

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on **Wednesday, 22 March 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Planning Committee held on 7 March 2017	To Follow
<u>PART 1 - ITEMS FOR DECISION</u>	
5. Land at Triumph Road, Eakring, Nottinghamshire (16/01679/FUL) (Site Visit: 9.15am – 9.25am)	3 - 23
6. The Old Barn, Main Street, Edingley (16/02081/FUL & 16/02082/LBC) (Site Visit: 9.40am – 9.50am)	24 - 32
7. Land at Lunaris, 16 Hemplands Lane, Sutton on Trent (17/00029/FUL) (Site Visit: 10.20am – 10.30am)	33 - 44

8.	Phase 2 Land off Station Road/Swinderby Road, Collingham (16/01807/RMAM)	45 - 79
9.	Land Adjoining Braemar Farm, Station Road, Collingham (16/01476/RMAM) (Site Visit: 10.40am – 10.50am)	80 - 97
10.	Land to the Rear of Lowfield Cottages, Bowbridge Lane, Balderton (15/01250/OUTM) (Site Visit: 11.00am – 11.10am)	98 - 144
11.	Springfield Bungalows, Nottingham Road, Southwell (15/01295/FULM)	145 - 206
12.	Springfield Bungalows, Nottingham Road, Southwell (16/01369/FUL)	207 - 219
13.	Hall Farm, School Lane, East Stoke (16/01772/FUL)	220 - 253
14.	Hall Farm House, Church Lane, South Scarle, Newark (17/00140/LBC)	254 - 261
15.	Land at Quibell Road, Newark (17/00003/FUL)	262 - 275
16.	Land at Gibson Crescent, Balderton (17/00217/FUL)	276 - 286
17.	Annual Report Detailing the Exempt Reports Considered by the Planning Committee	287

PART 2 – ITEMS FOR INFORMATION

None

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

The following item contains exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

18.	Forge House, Westgate, Southwell (Enf Case No. 16/00222/ENF)	288 - 293
-----	--	-----------

NOTES:-

A Briefing Meeting will be held in Room G23 at 3.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 7 March 2017 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

Councillors: D. Batey, R.V. Blaney, Mrs C. Brooks, R.A. Crowe, Mrs M. Dobson, J. Lee, N.B. Mison, Mrs P.J. Rainbow, Mrs S. E. Saddington, Mrs L.M.J. Tift, I. Walker and B. Wells and Mrs Y. Woodhead.

ALSO IN

ATTENDANCE: Councillors: Mrs I. Brown, Mrs R. Crowe, Mrs G. Dawn, P. Duncan and D. Lloyd

167. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor G.P. Handley.

168. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED that the following Members declared interests in the items shown below:

<u>Member/Officer</u>	<u>Agenda Item</u>
Councillors D.R. Payne, I. Walker and B.Wells	Item 9 – Stilt House, Land North of Manor Farm, Great North Road, Cromwell (16/02034/FUL) – Personal Interest as members of the Trent Valley Internal Drainage Board, who were one of the consultees.
Councillor I. Walker	Item 11 – Land off Elston Lane, Elston (16/01881/FULM) - Disclosable Pecuniary Interest as he lives opposite the site.
Councillors Mrs C. Brooks and D.R. Payne	Item 12 – Garage Units Adjacent 15 – 17 Almond Grove, Farndon (16/02168/FUL) Item 13 – Land at the Willows, Farndon (16/02174/FUL) Item 14 – Garages, Grange Road, Newark (16/02164/FUL) Personal Interests for all three applications as Councillor D.R. Payne is the Director and Vice-Chairman of Newark and Sherwood Homes and Councillor Mrs C Brooks is a Director of Newark and Sherwood Homes.
Councillor D.R. Payne	Item 18(b) – Appeals Determined Land Adjacent to Old Farm House, Pingley

Lane, Staythorpe, Newark (16/00996/FUL)
The Plough, Main Street, Coddington
(16/00782/FUL)

Personal Interest as he was known to the applicants.

169. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

170. MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2017

AGREED that the minutes of the meeting held on 7 February 2017 be approved as a correct record and signed by the Chairman.

171. SITE OF ROBIN HOOD HOTEL, 1 -3 LOMBARD STREET, NEWARK (16/00914/FULM AND 16/00915/LBC)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission and listed building consent for the complete demolition of the Robin Hood Hotel and the subsequent erection of a 66 bed hotel with three retail units at ground floor.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Applicant, which was a letter addressed to the Planning Committee Chairman and was appended to the schedule of communication.

Councillor M. Skinner, representing Newark Town Council, spoke in support of the application in accordance with the views of Newark Town Council, as contained within the report.

Councillor P. Duncan, adjacent Ward Member for Devon, spoke against the application, although he welcomed the application, which would bring to an end the problem with this site. He spoke about what had been agreed for the site in 2008 and that the building was in the Newark Conservation area. He commented that the developer had developed the more lucrative part of the site first and had left the Robin Hood Hotel site, which was the more demanding heritage asset. Routine maintenance had been limited which had allowed the building to fall into disrepair. He commented that what was being offered by the developer was an off the shelf bog standard Travel Lodge. He commented on the views of the Conservation Officer which were contained within the report. He also commented on a façade development scheme which the developer had stated was not profitable. He felt that the developer should be asked to come back with a better scheme which addressed their legal and moral obligations under the original planning permission. He also asked the Committee not to make the decision to demolish a listed building, which had never been undertaken by Newark and Sherwood District Council before and would set a precedent for other listed buildings. He felt that Newark deserved better than what was being proposed.

Councillor D. Lloyd, adjacent Ward Member for Beacon Ward, spoke in support of the application. He felt that it was a very difficult decision to make; once the buildings were gone that it would amount to absolute harm and removal. He questioned whether the test regarding whether the alternative outweighed the loss was the correct test to take. The extent of the harm needed to be taken into account. It could be argued that the environmental enhancement would outweigh the loss for this development. He felt that there was very little left in terms of historical assets and some of the best bits had already been removed such as the old malt house. Partial demolition of the site had been granted and further demolition of the site may enhance the setting. He felt that the proposed travel lodge was not award winning in design, but was a hotel which had some link regarding what was currently in situ and had been indicated as a requirement for Newark in a recent survey. Developing this site would restore the area and would also have economic benefit. The footpath around the site would be widened which was dangerous at present. He felt that there appeared to be clear positive benefits towards the proposals and harm was outweighed by benefits.

The Business Manager Growth and Regeneration commented that if the Committee were minded to approve the application an amendment to recommendation three be made. Recommendation three would be more specific regarding the Section 106 agreement, to include the agreement to ensure the scheme is delivered as intended in respect of securing the overnight car park provision with NCP. Also securing that no works can take place (including demolition) unless and until a contract had been let to actually build the hotel.

Members considered the application and a Member commented that the Committee should take into consideration what the majority of people in Newark would like, which was to see this eye sore demolished.

A Member commented that in the report two phrases were reported, substantial harm to the listed building in a conservation area and national importance to the listed buildings. There would obviously be substantial harm to the listed building as the applicant had requested full demolition. It was noted that Newark had 13,087 listed buildings, with 27 listed buildings in 100 yards of the Robin Hood Hotel. It was felt that the Robin Hood Hotel was not the only listed building in situ in Newark, the majority of the town's listed buildings dated back to the eighteenth century, whilst the Robin Hood Hotel was described in the Planning Committee report as late eighteenth century, early nineteenth century and also late twentieth century observations. The chimney pot on building B had been demolished at some stage and a window in block A had been blocked up in the twentieth century. The proposed new hotel offering 66 bedrooms would be an asset to the town centre, bring in overnight accommodation, a £5.5 million investment, 62 extra jobs and other benefits such as visitors to Newark castle and the National Civil War Centre. It was felt that the proposed application would complete the Potterdyke development. It was further commented that the Section 106 agreement would cover the car parking arrangements and that no demolition would commence until a contractor had been secured. The application had attracted fifteen letters of objections from Newark residents. The Newark Advertiser had undertaken a poll in January 2017, which was worded: 'would you welcome a Travel Lodge on the Robin Hood Hotel site?' the result of the poll was, 68% said yes, with 29% saying no. This application would complete the Potterdyke development and would complete the pedestrian walkway up to Beaumont Cross.

Other Members commented on the past work that had been achieved to restore the districts listed buildings including Millgate in Newark, which had been proposed for a dual carriage way, Northgate brewery and Ollerton Hall. It was commented that the Authority should have done their job correctly and asked the developer to honour their agreement to restore the Robin Hood Hotel. A Member suggested that the façade could be retained and a hotel built behind it.

A Member also commented that the message to the developer over the years had been that the council would support them as there was a long history to this matter. The hotel would be an asset to Newark, which the town had tried to secure for years. It was further commented that the cottages in situ were small middle class town houses, of which there were no other examples within Newark. The Council however had a proud and unblemished conservation record, with only one other recorded demolition of a listed building in Sutton-on-Trent. An informative note was proposed by the Planning Committee Chairman, if the Committee were minded to approve the application, as follows:

This planning consent is without prejudice and independent of any claims the Council may have arising out of the agreement between the Council, applicant and another, dated 2 August 2010. All such matters relating to that agreement be referred to the Policy and Finance Committee.

AGREED (with 9 votes for and 5 votes against) that

- (a). full Planning Permission and listed building consent be approved, subject to:
 - (i) the conditions and reasons contained within the report,
 - (ii) the inclusion of an additional condition, that there shall be no adverts applied internally or externally to the vertical lantern light fronting Beaumont Cross; and
 - (iii) the following informative to the applicant:

Informative Note

This planning consent is without prejudice and independent of any claims the Council may have arising out of the agreement between the Council, applicant and another, dated 2 August 2010. All such matters relating to that agreement be referred to the Policy and Finance Committee.

- (b). the application be referred to the NPCU, as required, for them to decide if the application should be called in for determination by the Secretary of State; and
- (c). approval of the application are subject to a signed Section 106 agreement to ensure the scheme is delivered as intended in respect of securing of the overnight car park provision with NCP and securing that no works can take place (including demolition) unless and until a contract has been let to actually build the hotel

Councillors Mrs M. Dobson, J. Lee and Mrs S.E. Saddington asked that their vote be

recorded, against the application.

(Councillor R.A. Crowe left the meeting at this point).

172. LAND BETWEEN 67 – 69 FOREST ROAD, CLIPSTONE(16/01972/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of eight residential properties, two, two bed properties and two, one bed flats to the site frontage and two, one bed flats and two, two bed properties to the rear. The dwellings were proposed social rented housing and the application had been made on behalf of Nottingham Community Housing Association.

Councillor Whittard representing Clipstone Parish Council spoke against the application in accordance with the views of the Parish Council, as contained within the report.

Members considered the application and it was felt that there was a high demand for additional housing in the district. The report had confirmed the need for additional one and two bedroom houses within this area. The development design was acceptable and the plot size appeared generous.

AGREED (with 10 votes for, 2 votes against and 1 abstention) that contrary to Officer recommendation full planning permission be approved, subject to appropriate conditions.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	For
R.V. Blaney	For
Mrs C. Brooks	Abstained
R.A. Crowe	Absent
Mrs M. Dobson	For
G.P. Handley	Absent
J. Lee	Against
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	Against

173. LAND BETWEEN 139 – 141, FOREST ROAD, CLIPSTONE (16/01973/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of eight residential properties, two, two bed properties and two, one bed flats to the site

frontage and two, one bed flats and two, two bed properties to the rear. The dwellings were proposed social rented housing and the application had been made on behalf of Nottingham Community Housing Association.

Members considered the application and felt that the application was acceptable, which was contrary to Officer recommendation.

AGREED (with 10 votes for, 2 votes against and 1 abstention) that contrary to Officer recommendation full planning permission be approved, subject to appropriate conditions.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	For
R.V. Blaney	For
Mrs C. Brooks	Abstained
R.A. Crowe	Absent
Mrs M. Dobson	For
G.P. Handley	Absent
J. Lee	Against
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
Il. Walker	For
B. Wells	For
Mrs Y. Woodhead	Against

174. LAND BETWEEN 177 – 179, FOREST ROAD, CLIPSTONE (16/01974/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of nine residential properties, four, one bed flats to the site frontage and five, two bed properties to the rear. The dwellings were proposed social rented housing and the application had been made on behalf of Nottingham Community Housing Association.

Members considered the application and felt that the application was acceptable, which was contrary to Officer recommendation.

AGREED (with 11 votes for, 1 vote against and 1 abstention) that contrary to Officer recommendation full planning permission be approved, subject to appropriate conditions.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	For
R.V. Blaney	For
Mrs C. Brooks	Abstained
R.A. Crowe	Absent
Mrs M. Dobson	For
G.P. Handley	Absent
J. Lee	Against
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
III. Walker	For
B. Wells	For
Mrs Y. Woodhead	Against

(Councillor B. Wells left the meeting at this point).

175. RULE NO. 30 – DURATION OF MEETINGS

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to extend the meeting.

AGREED (unanimously) that the meeting continue.

176. GARAGE UNITS ADJACENT 15 – 17 ALMOND GROVE, FARNDON (16/02168/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of one, two bedroom bungalow with a pitched roof design.

Councillor M. Baker, representing Farndon Parish Council, spoke against the application in accordance with the views of Farndon Parish Council, as contained within the report.

Members considered the application and felt something needed to be done regarding the car parking situation in order to prevent the bus service from being stopped for this area. Farndon Parish Council had commented that the bus service had informed them that services may have to be reduced as the bus driver was struggling at times to get access around the village, due to the number of parked vehicles. Members commented, that the removal of the garages, would only add to the car parking problem. It was suggested that a meeting should take place with Newark and Sherwood Homes to consider whether drop kerbs/hard standing could be provided at an affordable cost to the local residents, or the green areas could be utilised for car parking. It was also commented that only five of the twelve garages were used for car parking, the removal of those garages would therefore have only a small impact on parking. It was commented that if areas such as this one were not utilised, given the demand for houses, expansion into the open countryside would have to take place.

Members suggested that the item be deferred pending further investigation into car parking arrangements for the local residents.

A vote was taken to defer the application, which was lost with 5 votes for and 7 votes against.

AGREED (with 7 votes for and 5 votes against) that full planning permission be approved subject to the conditions contained within the report.

177. LAND AT THE WILLOWS, FARNDON (16/02174/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of two dwellings.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicant; Nottinghamshire County Council Highways; and the Parish Council.

Members considered the application and suggested that District Councillors should undertake discussions with Newark and Sherwood Homes regarding parking solutions for Farndon, in terms of providing drop kerbs/hard standing for residents, to alleviate onsite parking issues.

Members suggested that the item be deferred pending further investigation into car parking arrangements for the local residents.

A vote was taken to defer the application, which was lost with 5 votes for and 7 votes against.

AGREED (with 7 votes for and 5 votes against) that full planning permission be approved subject to a revised layout plan showing satisfactory turning arrangements on The Willows and the conditions contained within the report.

178. GARAGES, GRANGE ROAD, NEWARK (16/02164/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the erection of five dwellings in a terrace.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Newark Town Council.

Councillor M. Skinner, representing Newark Town Council, spoke against the application in accordance with the views of Newark Town Council, as contained within the report.

Members considered the application and felt the application was appropriate. A Member noted from the pictures presented to the Committee, that cars were parked on a wide pavement adjacent to the garages. It was therefore suggested that the car

parking arrangement on the pavement could be pursued to formalise car parking on the pavement, by painting a white line to clearly show where cars can park and define a section as a pedestrian foot path.

The Business Manager Growth and Regeneration suggested that a meeting could be undertaken with Newark and Sherwood Homes and Newark Town Council to pursue the car parking proposals.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report.

179. STILT HOUSE, LAND NORTH OF MANOR FARM, GREAT NORTH ROAD, CROMWELL (16/02034/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of a four bedroom, single storey dwelling on stilts.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer and the Applicant.

Members considered the application and commented on the appeal decision included in the schedule of communication, which had allowed a residential development in Flood Zone 2. Members felt that the proposal was innovative and was a great way of utilising land in a flood zone. It was also noted that Cromwell Parish meeting were flexible with their views. A Member suggested that if Members were minded to approve the application, that the front hedge be retained.

AGREED (unanimously) that contrary to Officer recommendation, full planning permission be approved, subject to appropriate conditions and a condition to retain the hedge to the front of the building.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken and the vote was unanimous to refuse the application.

(Councillor Mrs M. Dobson left the meeting at this point).

180. HALL FARM, SCHOOL LANE, EAST STOKE (16/01772/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the conversion, alteration and extension of existing agricultural buildings to form two dwellings, the demolition of existing buildings and the erection of three new houses.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer.

The Business Manager Growth and Regeneration sought Member approval for an amendment to Condition 13, to include any works including the reduction or removal of the wall. Members were also informed that Condition 6 was a pre-commencement condition and the development could not be started until the drainage plans for the disposal of surface water and foul sewage had been submitted and approved by the Local Planning Authority.

Members considered the application and commented that the wall in front of the properties would result in the occupants of 3, 4 and 5 having to go around the back of the properties. It was felt that the issue of the wall would need to be addressed. It was suggested the application be deferred to clarify the position of the wall.

(Councillor J. Lee took no part in the debate or vote as he left the room for a short period of time).

AGREED (unanimously) that the application be deferred pending clarification of the wall.

(Having declared a disclosable pecuniary interest on the following item, Councillor I. Walker left the meeting at this point and took no part in the debate or vote).

181. LAND OFF ELSTON LANE, ELSTON (16/01881/FULM)

The Committee considered the report of the Deputy Chief Executive following a site visit held prior to the meeting, which sought full planning permission for ten affordable dwellings to be sited around a new cul-de-sac arrangement.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Lead Local Flood Authority and the Applicant.

Members considered the application and commented on the strong feeling from local residents against this scheme, with fifty residents against the scheme. Elston Parish Council had not objected to the application other than highway issues on Pinfold Lane. It was however reported that there had been only four members present at the Parish Council meeting which considered the item, the Chairman exercising his right to use his casting vote to approve the application. Concern was raised regarding highways issue on Pinfold Lane and the need for a footpath, which had been pursued but failed due to residents not allowing part of their gardens to be used to form the footpath. The development was in the open countryside which was considered inappropriate.

A Member commented that he felt that there were no planning grounds to refuse the application. A Parish need survey had been undertaken, which had proven a need for thirteen affordable homes. He felt that the layout was good.

A Member commented that this was the worst possible site for this development. The site had unbroken views of the countryside and across the river Trent and was the furthest distance from facilities.

AGREED (with 7 votes for and 3 votes against) contrary to Officer recommendation, full planning permission be refused on the grounds of character.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	Against
R.V. Blaney	Against
Mrs C. Brooks	Against
R.A. Crowe	Absent
Mrs M. Dobson	Absent
G.P. Handley	Absent
J. Lee	For
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	Left the Meeting
B. Wells	Absent
Mrs Y. Woodhead	For

182. NEWARK NORTHGATE STATION, LINCOLN STREET, NEWARK (16/01036/LBC)

The Committee considered the report of the Deputy Chief Executive, which sought alterations to the station forecourt, demolition of part of the platform boundary wall to create a new gated access for servicing purposes, new cycle parking facilities and new fenced bin store.

Members considered the application and felt it was appropriate. Concern was raised regarding the proposed retail unit, which if accessible from the drop area, would add to the congestion problem that already existed.

AGREED (unanimously) that listed building consent be granted subject to the conditions and reasons contained within the report.

183. THE OLD BARN, MAIN STREET, EDINGLEY (16/02081/FUL & 16/02082/LBC)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for a single storey rear extension.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicant and agent.

AGREED (with 9 votes for, 1 vote against and 1 abstention) that the application be deferred pending a site visit.

184. LAND WEST OF DROVE LANE, CODDINGTON (17/00107/CMA)

The application was deferred from the agenda at the Officer and Applicants request.

185. APPEALS LODGED

AGREED that the report be noted.

186. APPEALS DETERMINED

AGREED that the report be noted.

187. EXCLUSION OF THE PRESS AND PUBLIC

AGREED that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

188. FORGE HOUSE, WESTGATE, SOUTHWELL (ENFORCEMENT CASE No. 16/00222/ENF)

The report was deferred to the 22 March 2017 Planning Committee.

The meeting closed at 8.28pm

Chairman

Application No:	16/01679/FUL	
Proposal:	Residential development of 5 dwellings	
Location:	Land off Triumph Road Eakring Nottinghamshire	
Applicant:	Mrs Pam Dutton	
Registered:	14th December 2017	Target Date: 8th February 2017
	Extension of time agreed until 31st March 2017	

This application has been referred to Planning Committee for determination due to the officer recommendation being contrary to that of the decision of the Parish Council.

The Site

The application site relates to circa 0.25ha of former paddock land situated at the end of Triumph Road, a residential cul de sac, and immediately adjacent to the eastern edge of the built up area of Eakring village and within the Conservation Area. Triumph Road comprises two storey semi-detached and terraced hipped roof dwellings with either low fencing or hedging to the front boundaries. Some properties have hard surfacing to the front gardens to provide off street parking.

The site is adjoined by public open space and public footpath to the north, a dyke, mature woodland and open fields to the east and land forming part of Pond Farm farmstead which has a Grade II Listed Building and other 20th century residential properties.

The adjoining dwelling at no. 16 Triumph Road sides onto the application site, having a side garden and detached garage abutting this boundary. There is a first floor landing window to the side elevation facing the site.

The site falls within Flood Zone 1.

Relevant Planning History

None of relevance

The Proposal

Full planning permission is sought for the erection of a terrace of 5 dwellings arranged around a front courtyard accessed from Triumph Road. The development would comprise 2 no. 2 bedroom and 3 no. 3 bedroom properties. Plots 2 -4 would have parking to the front whilst plot 1 would have an attached garage to the side.

A Design and Access Statement which includes sections on Heritage Impact, and Landscape Character together with a preliminary Ecological Appraisal have been deposited with the application.

Additional supporting information has also been submitted which comments on consultation responses that have been received.

Public Advertisement Procedure

18 neighbours notified by letter, site notices have been displayed close to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011):

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 3: Rural Areas
- Spatial Policy 7: Sustainable Transport
- Core Policy 9: Sustainable Design
- Core Policy 13: Landscape Character
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14: Historic Environment

Allocations and Development Management DPD (adopted July 2013):

- Policy DM5: Design
- Policy DM7: Biodiversity and Green Infrastructure
- Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Eakring Conservation Area Appraisal 2001
- Eakring Parish Survey
- Spatial Policy 3 Guidance Note (September 2013)
- Landscape Character Assessment SPD 2013

Consultations

Eakring Parish Council - Voted in favour of the proposal but wish to make the following observations. The Scheme meets the villages need for small affordable units but to maintain them as such they feel a condition should be placed on the planning approval that in future the houses cannot be extended either outwards or upwards. They feel that with a total of 13 bedrooms there is potential for 13 residents cars and with visitors as well there are not enough car parking spaces in the scheme as Triumph Road (a narrow Road which it is felt by a number has cars travelling too

fast on it) is already overwhelmed with parked cars and cannot take any overflow. Also they have concerns about the sewage plants capacity to cope in Eakring and this needs to be considered/investigated.

Nottinghamshire County Council Highways Authority - This proposal is for the construction of 5 dwellings at the end of Triumph Road, which is adopted highway. This development will remain private. The site is adjacent a Public Right of Way (Eakring Footpath 16).

The site plan submitted shows the vehicle tracking for a refuse vehicle with a length of 9.8m. This appears to be restrictive, particularly if parked vehicles are on site. It is therefore, recommended that a bin collection point be located adjacent, but not within the public highway, to avoid the need for a refuse vehicle to enter the site. Two parking spaces per dwelling are also provided, although these are not positioned directly adjacent each individual dwelling, along with two additional visitor spaces.

There are no highway objections to this application subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access has been completed and surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles. **Reason:** To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.
3. Prior to the occupation of any dwelling hereby approved, a wheelie bin collection point shall be provided near to but not upon the adopted highway to serve the development, to be located in a position to be agreed in writing with the District Council, which shall thereafter be retained indefinitely. **Reason:** To prevent wheelie bins from obstructing the public highway on bin collection day, in the interests of highway safety.

Note to applicant

The agent/applicant must consult with the Via Rights of Way Officer, for advice/approval prior to any permission being granted.

Any works carried out within the highway as part of the construction of the access into the site shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC tel: 0300 500 8080 to arrange for these works to be carried out.

NSDC, Conservation -

Initial comments

The proposal site sits at the end of Triumph Road, within Eakring Conservation Area. Triumph Road itself is a street of C20 housing, built within a former field leading directly off the main road. The site is within Eakring Conservation Area.

The proposed development of this site has the potential to affect the character and appearance of Eakring Conservation Area and the setting of nearby Grade II listed Pond Farm and its outbuildings.

Eakring has a special history, being a strongly agricultural village, but one which (like Laxton) was not enclosed. This failure to enclose meant that no new farmsteads could be built in the open fields and the village has retained an ancient layout and pockets of open fields leading right into the heart of the village. Despite later modern developments the character of Eakring is still strongly agricultural, typified by many historic farm buildings (like the nearby Pond Farm) and an informal and semi-rural character.

The character and appearance of the Conservation Area draws heavily not just from its good stock of historic buildings and townscape, but also from its attractive landscape setting. Eakring Conservation Area Character Appraisal talks of the 'green verdant setting of the village', which has rolling hills using primarily for farming, with a rise and fall created by the dyke to the east of the village, which acts as a green corridor and natural boundary to the village. Not only is this an attractive setting, but a strong visual link to the surrounding fields is intimately associated with its agrarian history and directly contributes to the character and appearance of the Conservation Area.

The application site comprises an open field at the end of Triumph Road, which leads down towards the dyke on the east side of the village. The site lies adjacent to a field used as a recreation area, which also has a public footpath leading out of the village across the dyke and into the surrounding countryside.

The recreation ground and footpath allow for clear views into the application site from the public realm and form part of the first impressions of the village when approaching from the fields to the east. From the application site clear views are offered back towards the attractive (albeit dilapidated) farmhouse and farm buildings of Pond Farm, which are Grade II listed. The application site is also visible from the main road, between Pond Farm and the new street frontage development adjacent.

Overall I do not think this is suitable development plot and that residential development here would harm the special character and appearance of Eakring Conservation Area and would harm the setting of Pond Farm.

Impact on the Conservation Area

On a pure village plan form analysis it is clear that the red line extends beyond the built form of the village. The development plot forms part of a wider swathe of open land preserved on the east side of the village. I do appreciate that the proposed development is mostly towards the village side of the plot, but the houses would still sprawl beyond the general line of development, and the gardens would stretch down to the dyke and would allow for domestic paraphernalia way beyond the extent of the village. The use of close boarded fences as proposed would exacerbate this, effectively blocking any sense of openness and fully suburbanising the plot down to the dyke.

This sense of sprawl and suburbanisation would be experienced from within the Conservation Area when on Triumph Road, the recreation ground, the public footpath and from the main road where the development is likely to be visible. A big impact would be also experienced from the setting of conservation area, forming part of the first impressions of the village when approaching from the countryside along the public footpath as it crosses the dyke.

I think it is important that the rural fringes of the village are well preserved in order to preserve the special character Eakring has as a former agrarian village with a strong visual and character link to its landscape setting. For these reasons I do not think this should be seen as a development site. I have considered whether the impact could be mitigated by a change in design, layout or enclosure but there is no real way to avoid a sense of suburbanisation and loss of rural setting, which at any scale would cause harm to the character and appearance of the Conservation Area.

Given the overall significance of Eakring Conservation Area, the likely harm from the proposed scheme would be less than substantial, but harm at any level fails the statutory test to preserve or enhance. This harm should not be considered as a material planning consideration like any other but, under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Impact on the setting of Pond Farm

Pond Farm is a Grade II listed (former?) farmhouse, which directly benefits not only from the attractive townscape of Eakring but from its strong and immediate rural setting. The farm is still seen in this context from the recreation ground and public footpath where the fields here (including the proposal site) form an attractive and historically relevant foreground. From the main road the sense of a green and open setting beyond Pond Farm also enhances its setting. This special setting would be harmed by the enclosure of the development site by close boarded fence, the suburbanisation of the proposed garden areas, the general loss of greenery and openness and the creation of a solid built form which would obscure and harm views back to the listed building.

Given the overall significance to the listed building, this harm to its setting would lead to less than substantial harm to its overall significance. The statutory test, under Section 16 of the Act, is that decision makers should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and this duty applies whatever the level of harm found.

Conclusion

I think it is important to the character and appearance of the Conservation Area that this open swathe of land to the east of the village remains open, as it contributes directly to the special agrarian and semi-rural character and history of Eakring. The development site also contributes positively to the setting of Pond Farm, the character of its setting and views towards this heritage would be harmed by this proposal. The proposal would cause less than substantial harm to the special architectural and historic interest of the listed building and to the character and appearance of the Conservation Area.

Following the submission of additional supporting information further comments have been received which are summarised as follows:-

I was aware of the Pond Farm development having commenced on site (a site visit having been carried out by myself on the 1st February 2017) but I had not seen the latest approved layout and this is helpful, especially with regards to plot 3 which sits adjacent to the listed farmhouse and closest to the proposal site.

I appreciate that when fully built out, including plot 3, the Pond Farm development will alter the setting of Grade II listed Pond Farm, especially from the main road, but also in views back towards the site from the footpaths leading over and along the dumble stream on the east of the village. This approved development will bring the built form of the village up to the farmhouse and farm buildings, although crucially not beyond them. By removing the green paddock adjacent to the listed complex I do accept that the strong rural setting of this listed farm within the village has been eroded, although my previous comments were made on the understanding that Pond Farm does not currently enjoy a pristine setting. I do accept that the glimpses out towards the open land and greenery of this proposal site, along the newly created access at Pond Farm, will be closed by Plot 3 and I had not initially appreciated this. As such, I agree that this proposal will have no net impact on the setting of the listed farm buildings or on the character and appearance of the conservation area when viewed from the main road.

I do also accept that plot 3 will in some views partially obscure the farm buildings, and to a much lesser extent the farmhouse at Pond Farm, while traversing these public footpaths. However, as the Pond Farm development does not sprawl further than the farm it still retains its rural setting created by the green corridor to the east. The extent to which the farmhouse will be visually obscured by the Pond Farm development is limited to the section of footpath very close to the end of Triumph Road. However, the proposed new development will form a physical and visual barrier between the walker and the listed complex along a much longer stretch of footpath, intensifying the loss of green rural setting and placing the farm within the built form of the village instead of on the fringes. This sense of divorcing the farmstead from its green and rural setting is harmful to its setting, as such, my initial concerns here are still valid despite the additional information submitted.

In conclusion, the Pond Farm development when fully built will 'neutralise' the impact of this proposal in views from the road and only in a very limited degree when approaching the village from the east. The effect of the Pond Farm development is a different effect to this proposed development and there will be impacts above and beyond if this proposed development goes ahead.

I also do not consider this to be a logical development which 'rounds off' the village as it is clearly beyond the existing built form of the village (and this includes the proposals being built out at in the Pond Farm development). This is evident from a look at maps and aerial photos but is of course also experienced while in the public recreation ground and again on the footpaths, where in both directions there is a strong green wedge bordering the village. As I explained before the boundary of the Conservation Area has been drawn very deliberately to include this open land, and it forms part of the rural setting of the village.

I appreciate the revised boundary treatments will reduce the harm from the initially proposed close boarded fences, but isn't enough to remove the harm. I also agree that the removal of pd rights would help prevent structures which can be controlled by the planning system. However, the inevitable accretion of removable play equipment, washing lines, garden furniture etc would, in combination with the fences, have an impact that will change the character of this land and will inevitably start to suburbanise the garden areas. The houses themselves are placed beyond the general built form of the village so it is impossible to avoid a sense of sprawl, suburbanisation and loss of greenery. I also appreciate the cross section shows the proposed new houses sitting at a lower level, but this cannot, of course, restore greenery and openness to the site.

I appreciate the submission of additional information and I do now find this application less harmful by the use of a softer boundary treatment and in views from the main road, but my other concerns remain and the modifications to the scheme have not removed the harm. The scheme would still harm the setting of the listed farmhouse in views from the east and harm the character and appearance of the Conservation Area.

Again, this harm would be at the less than substantial level and I note the agent is in agreement that the scheme causes harm.

While any application must be judged on its own merits, I have concern that the approval of this proposal could be used in support of similar schemes. Pressure to build on the edge of settlements is not an unusual pressure and it is quite conceivable that other plots along this eastern edge could come forward for development. Allowing this application would make it more difficult to resist further planning applications for similar developments and I consider that their cumulative effect would exacerbate the harm that I have described above.

NSDC Strategic Housing

Background

The application site is located within the village of Eakring which is defined as an 'other village' (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

Housing Need

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

The Parish of Eakring were recently surveyed regarding their need for housing by an independent body (agreed by the Council). The survey was conducted on behalf of a private client who has now made the survey findings available to the public (via the Planning Portal relating to the application). The survey identifies a very limited need for affordable housing (which can generally be met by existing stock turnover) but refers to need for market housing. The survey suggests that there is some demand for smaller homes which the application seeks to address. However, I cannot comment on the affordability of the proposal but would suggest that two bedroom properties should form a greater part of the application and provide housing that is accessible to a wider range of incomes.

With regards to the demonstration of 'proven local need' to accord with SP3, in general local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. Eakring is a high value area where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be

difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Eakring has a good supply of this type of housing and they appear on the open market for sale. Currently there are 6 properties for sale ranging from 2– 5 bedrooms at values from £285,000 to £650,000. (Rightmove 20/12/16). There maybe a case that the need for larger properties could be met through existing stock, but it appears that smaller 2 bedroom dwellings are not available that would be considered affordable on the open market. I would therefore suggest that the proposal has the capability to contributes towards meeting this need subject to market valuations.

Summary

The proposed scheme is located on a site that adjoins the village’s boundary. Therefore the application will be considered set against the relevant policies. The proposal is not an affordable housing scheme, but I suggest the application has the potential to contribute to meeting the housing preferences of people seeking smaller accommodation identified in the Eakring Parish Survey.

Trent Valley Drainage Board – the site is within the Boards catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run off rates must not be increased as a result of the development. The design operation and maintenance of site drainage systems must be agreed by the lead local flood authority and the LPA.

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to the principle of new dwellings in this location, the impact on the character and appearance of the conservation area and the setting of a Listed Building and visual impacts, residential amenity considerations, footpath impacts, effects on ecology and highway safety concerns.

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within ‘other villages’ in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

Five Year Land Supply

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, “boost significantly the supply of housing”. Paragraph 17 states further that the planning system should ‘proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.’ NPPF indicates that this will be achieved first and foremost, by local planning authorities, ‘using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market

area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.'

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighbourhood planning as part of this is also noted.

Members will be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). By their very nature, these have taken longer to be brought to market. Land South of Newark now has 2 no. national housebuilders involved, the first of which is expected to receive reserved matters consent to allow a start in March 2017. Consent will shortly be issued to a national housebuilder for the Fernwood SUE for 1800 houses (S106 awaiting execution). NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf>).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see <https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>). The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be a Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspectors decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

On this basis the Council will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes (which meet the relevant requirements of the Development Plan in all other respects, and have the capacity (i.e. demonstrable ability to deliver) to positively contribute to boosting the supply of housing within the District in the short term. In this case it is necessary to consider the ability of the site to deliver within a 5 year supply, to assess all other impacts, and in the event that permission should be granted to include shorter timescales for implementation to ensure the contribution towards a 5 year supply is secured.

It is officer opinion that historically if one looks to history as a guide, in this instance the village envelope of Eakring set out within the 1999 Local Plan, the site was outside but immediately adjacent to the envelope.

Taking the Council's current pragmatic approach, the proposal therefore falls to be assessed against the five criteria outlined by SP3, which are location, scale, need, impact and character.

Location of Development

The application site is on the eastern edge of Eakring. Residential properties are situated to the east, west and south of the site with the north open to agricultural fields. Whilst it could be considered to be outside the main built up area of Eakring, it is on the very edge and in the majority surrounded by other residential properties to the west.

In addition to the above, the locational criterion of SP3 requires the site to have access to local services in order to reduce the need for a reliance on the use of a private car. With this in mind it

is noted that Eakring has a public house as well as a local church and village hall which are within walking distance of the site. Whilst it is acknowledged that this would not meet the day to day living requirements for occupiers of the new dwellings, there are good public transport links to other villages including Bilsthorpe, Ollerton and Southwell with bus stops located approximately 150m to the east of the site.

In light of the above, the proposal is considered to meet the locational criterion of SP3.

Scale

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of this appraisal.

This criterion relates to both the amount of development and its physical characteristics. I am satisfied that 5 additional dwellings within the parish would not be considered as a significant scale in a village the size of Eakring given that the proposal represents an increase of circa 12% to the number of households (Census, plus completions as of 31/03/2015 and extant permissions as of March 2017).

Five additional dwellings would be considered to be numerically small scale within the settlement and as such it would be considered unlikely that such a scale would have a detrimental impact on the existing infrastructure within the village.

Need

In the context of the above discussion and on the basis of the Council's current position on housing supply, it is considered that in settlements such as Eakring which have some locally available facilities – regular bus services to other settlements, a public house, church and village hall that a pragmatic view in relation to the need element of policy SP3 can be reached.

Impact

New development should not generate excessive car borne traffic or have a detrimental impact on infrastructure. As outlined above, the application falls immediately adjacent to the built up area of Eakring. Although services within the village are modest, there are good public transport links to nearby villages. Furthermore I am of the opinion that an additional 5 houses would not be so significant to unduly impact on local infrastructure.

Character

Policy SP3 of the Core Strategy requires that new development should not have a detrimental impact on the character of the location of the site. In this instance the application site falls within the Eakring Conservation Area and in close proximity to listed buildings and as such the assessment overlaps not only with the consideration required by Policy SP3 but also Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies CP9 and 14 of the Core Strategy and policies DM5 and DM9 of the DPD.

The NPPF states that good design is a key aspect of sustainable development and recognises the importance that the government attaches to the design of the built environment. Paragraph 58 of the document outlines that development should function well and add to the overall quality of the

area, establish a strong sense of space using streetscapes and buildings to create attractive places, respond to local character and history, create safe and accessible environments and should be visually attractive.

Core Policy 9 of the Core Strategy seeks to ensure that new development is of high standard of sustainable design and is of an appropriate form and scale to its context and complements the existing built and landscape environments.

Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Local planning authorities need to have special regard to the desirability of preserving the heritage significance of a listed building including that derived from its setting and to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

In considering impact on character, given the context of the site within the Conservation Area and proximity to Listed Buildings the proposal also has to be assessed against heritage policies.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Paragraph 131 of the NPPF states that in determining planning applications local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets and putting to viable uses consistent with their conservation, the positive contribution that the conservation of the asset would make to sustainable communities and to the character and distinctiveness of the area.

The NPPF adds at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 137 of this document states that local planning authorities should look for opportunities for new development in Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the significance of the asset should be treated favourably.

Policies CP14 of the Core Strategy and DM9 of the Council's Allocations and Development Management DPD Adopted July 2013, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. One of the key issues to consider in proposals for new development affecting heritage assets include proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

Impact on Conservation Area and nearby heritage assets

I note the comments of the Conservation Officer detailed within the consultation section of this report. The Conservation Officer has acknowledged the historic layout of the village with the significance of the open land on the rural fringe of the settlement which acts as a green corridor,

natural boundary and landscape buffer between the eastern edge of the built up from of the village and the open countryside beyond which links to the agricultural heritage of the settlement and thus the character and appearance of the Conservation Area. This open land falls within the boundary of the Conservation Area and forms part of the rural setting of the village.

The application site falls within this buffer zone and clearly beyond the existing built form of the village. Although the proposed dwellings themselves would be sited towards the existing buildings on Triumph Road, the gardens serving these properties would extend the depth of the field towards the dyke on the far eastern boundary of the site. This would result in the encroachment into and the suburbanization of this preserved swathe of open space together with the loss of the sites rural setting which would be to the detriment of the character and appearance of the Conservation Area.

Notwithstanding the revised proposed soft landscaped boundary treatments that have been deposited during the lifetime of the application I would concur with the Conservation Officer that although these together with the removal of permitted development rights to restrict further encroachment and sprawl would reduce the impact of the proposal on the landscape character of the open land forming part of this buffer zone, it could not prevent a change in its character by virtue of the inevitable suburbanisation of these gardens resulting from the introduction of associated domestic paraphernalia such as wash lines and garden furniture etc. It is therefore considered that whilst the proposed soft landscape boundaries and the removal of permitted development rights would lessen the identified harm to the character and appearance of this swathe of open land, they could not entirely remove harm and thus would still result in some harm, albeit less than substantial, to the character and appearance of the Conservation Area itself.

Taking this into account I am of the view that although the likely harm from the proposed scheme on the character and appearance of the Conservation Area would be considered to be less than substantial, harm at any level would consequently fail the statutory test to preserve or enhance the Conservation Area.

The listed building farmhouse at Pond Farm, which is considered to benefit from the attractive townscape of the settlement and the immediate rural setting, is viewed from the recreation ground to the north of the application site and the public right of way within this context. The open fields forming the buffer zone between the village and the open countryside are considered to form a relevant historic foreground to the setting of the Listed Building.

Bearing this in mind, it is considered that the current nature of the application site within this buffer zone which makes a positive contribution to the rural character and the setting of the Listed Building and is therefore part of the building's special significance, is harmful.

It is however acknowledged that the Pond Farm complex is currently the subject of planning permission for residential development comprising the conversion of existing buildings to form 4 no. dwellings and the erection of an additional 4 no. dwellings. Plot 3 of the development is closest to the listed building and to the application site and it is accepted that this plot will partially obscure views of the farm buildings and less so the Listed Building from the recreation ground and footpath and will effectively block views back to the development site from Kirklington Road.

In the latter respect it is understood that the impact of the approved Pond Farm complex will be to somewhat neutralize the impact of this proposal in views from Kirklington Road.

However, notwithstanding this I am mindful that the Pond Farm development will only extend the built form of the village up to farmhouse and buildings and will not encroach into the historic open field green buffer zone that exists along the eastern boundary of the village. In doing so, the approved Pond Farm complex still allows for the green fields of this buffer zone to contribute positively to the setting of Pond Farm. While it is accepted that there has been some limited harm to the setting of Pond Farm as a result of the approved Pond Farm complex, this current proposal would cause additional harm. By virtue of its siting the proposal would form a physical barrier between the public right of way and the listed farm complex, separating Pond Farm from its current green and rural setting, intensifying the loss of open space and the rural setting of the Listed Building and harming attractive views. This would subsequently result in the Listed Building being seen within the built form of the village rather than on the fringes of the settlement, as it currently is. This detracts from the rural setting and views of the listed farm in this setting, which contribute to the special significance of this listed building.

Taking this into account I am of the view that although the likely harm from the proposed scheme on the architectural and historic interest of the listed building, through harm to setting, would be considered to be less than substantial, harm at any level would consequently fail the statutory test to preserve the setting of the listed building.

I note the Conservation Officer's comments with regards to precedent and would concur that approval of the proposed development would make it difficult to resist any application proposal for further encroachment into the ribbon of open field along this eastern edge, which cumulatively would exacerbate the harm to the heritage assets identified above.

Taking this into account, although the proposal is considered to result in less than substantial harm to the character and appearance of the Conservation Area and to the special architectural and historic interest and the setting of the Listed Building, there is a statutory presumption against causing any harm.

Impact on Landscape

With regards to impact on the landscape character, Core Policy 13 of the Core Strategy addresses issues of landscape character. A Landscape Character Assessment (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the district and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified within the LCA as falling within Mid Nottinghamshire Farmlands character area and within policy Zone MN PZ 25 Maplebeck Village Farmlands and Ancient Woodlands which defines the Landscape Condition as being very good and Landscape Sensitivity as high. Landscape Actions are defined as conserve.

A Landscape Technical Note has been deposited with the application which includes photomontages from viewpoints along Kirklington Road to the west and the public rights of way to the east. With regards to landscape impacts the conclusions within this document are summarised below:-

- the proposal has been designed so as to take account of the landscape and townscape of the surrounding area and to reflect the local vernacular
- it would have limited impact on the landscape character area by virtue of its siting and scale and given the topography of the site and the limited receptors;
- it is designed to retain and enhance the character of the edge of settlement setting;
- the landscape character of the area has already been altered by existing modern infrastructure features within the village and by the introduction of new hedgerows along Robin Hood Way (a Public Right of Way to the east).

These conclusions are noted. It is acknowledged that the design of the proposal in terms of scale and appearance in many ways reflects that of the surrounding local built form. However, I am mindful of the importance of the open field buffer zone which runs along this eastern edge of the village between the settlement and the open countryside within the local landscape context that the application site falls within, including as discussed above within the Character section of this report.

I am mindful of the landscape sensitivity identified within Policy Zone MN PZ 25 of the LCA and the requirement to conserve the landscape. It is considered that by virtue of the siting of the proposed development, which would encroach into this swathe of open land which forms an important landscape buffer zone between the edge of the village and the open countryside, the proposal would fail to conserve and therefore would be to the detriment of the landscape character in this particular location. Moreover, should permission be granted it is felt that it would be likely to be extremely difficult to resist future developments within this ribbon of open land to the further detriment of the landscape character of this open swathe of land.

It is therefore considered that the proposed development would fail to accord with the aims of Core Policy 13 and Policy Zone MN PZ 25 of the LCA SPD.

Impact on Residential Amenity

The impact on residential amenity has been carefully considered as it is a long standing material consideration set out in both national and local level policy and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The proposed development sits at the head of a cul de sac directly overlooking a front court yard and turning head.

Given the juxtapositions of the proposed dwellings and relationships with and separation distances from neighbouring dwellings (circa 35m from no. 16 Triumph Road to the west, circa 40m from no. 15 Triumph Road to the north west and 50m from the rear elevation of plot 3 on the Pond Farm development to the south west) I am satisfied that the proposal, would not result in any undue impact on the residential amenity in terms of overbearing, overshadowing or overlooking impact.

Each of the proposed properties has been afforded private amenity space within rear gardens which I consider to be commensurate with their context.

Taking these considerations into account it is considered that the proposal would accord with policy DM5 of the DPD.

Impact on Highway Safety

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided.

The comments of the Highway Authority are noted. I consider it reasonable that should permission granted the suggested conditions are attached to safeguard highway safety and to ensure the appropriate siting of a bin collection point.

The proposal provides 2 off street parking spaces per dwelling which is considered commensurate with the scale of the development.

As such, I am satisfied that the proposed development would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7.

Impact on Ecology

Paragraph 116 of the NPPF outlines that in determining applications, the LPA should seek to conserve and enhance biodiversity. Permission should be refused for proposals which result in significant harm which cannot be adequately be mitigated for and opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the DPD states that significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures) provided, where they cannot be avoided.

The preliminary Ecological Appraisal deposited with the application has been carried out in accordance with the Guide Lines for Preliminary Ecological Appraisal (CIEEM 2012) makes the following conclusions and recommendations:-

- The hedgerows offered some scope for foraging and commuting bats and nesting birds.
- The ditch running alongside the boundary of the site and the adjacent hedgerows and grassland provided potential water vole habitat.
- The tall semi-improved grassland within the site offered potential refuge habitat for reptiles.
- The hedgerow and woodland to the south and east, tall ruderal and semi-improved grassland provide potential mammal habitat and may be utilised by badgers.

- Furthermore, the hedgerows and trees provide an ecological corridor to the wider environment, therefore, additional native planting around the boundaries are recommended, where possible, particularly along the western boundary.

Proposed mitigation measures to negate or minimise any ecological impact include the covering of trenches, holes or excavations during construction works to protect any badgers that might access the site, grassland clearance to be undertaken by hand tools, works to be carried out in the summer, avoidance of lighting to the eastern boundary, vegetation clearance to be undertaken outside of the bird breeding season, provision of a landscape buffer zone along the eastern boundary, provision of native planting and the provision of bat and nesting bird boxes. Appropriate mitigation and enhancement works could be secured by condition should permission be granted.

As such, I am satisfied that the proposed development would not result in any adverse ecological impact in accordance with Core Policy 12 and Policy DM7.

Other matters

Impact on Flood Risk and Drainage

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 requires new development proposals to pro-actively manage surface water.

The site lies in Flood Zone 1, at lowest risk of flooding. Dwellings are appropriate in this location and no objections have been received from statutory consultees on this matter. A condition is suggested to control the surface water run-off and foul sewage disposal.

Conclusion and Planning Balance

In considering the proposal, special regard and significant weight has been afforded to the desirability of preserving the setting of the Listed Building and the character and appearance of the Conservation Area. Weight is also given the 5 year housing land position set out in this report.

I note the comments of the Conservation Officer in that it is considered that the proposed development would result in a degree of harm, although less than substantial, to the setting of the principal Grade II Listed Building at Pond farm and the character and appearance of the Conservation Area, by virtue of the siting of the proposed houses.

I am mindful that the statutory test is one of no harm. However, the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I note that provision of new housing is a benefit which is a material consideration, however also note that the number of new houses to be created here is relatively limited and would not significantly boost housing supply. I also note that harm to designated heritage assets is not a material consideration like any other, but must be given *special* consideration. Considering the limited benefits of the scheme, the harm to the Grade II listed building and the character and appearance of the Conservation Area, it is not considered that the benefits outweigh the harm in this instance.

As such the proposed development is considered to be unacceptable and would fail to accord with Core Policy 14 of the Core Strategy, Policy DM9 of the DPD, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 together with the National Planning Policy Framework and Planning Practice Guidance which are material planning considerations.

I am also mindful that the proposed development falls within a landscape character zone in which the landscape condition is identified good, the sensitivity is high and the action is to conserve. It is considered that the introduction of built form into the landscape setting of the application site as proposed would fail to enhance or conserve the landscape character. Again the benefit of the proposal in terms of its modest contribution to the Districts housing supply would not be so significant to outweigh the considered harm to the landscape character in this location. As such the proposal is considered to fail to accord with Policy CP13 and policy Zone MN PZ 25 of the LCA SPD.

RECOMMENDATION

That full planning permission is refused, for the following reasons:

01

In the opinion of the Local Planning Authority, the proposed development by virtue of its siting and encroachment into the open field 'buffer zone' which extends along the eastern edge of the settlement would detract from the views towards and the rural setting of the historic village, which is a special part of the significance of the Conservation Area and Grade II Listed building at Pond Farm. In the opinion of the Local Planning Authority the proposal would fail to preserve or enhance the character and appearance of Eakring Conservation Area or the setting of the Listed Building causing less than substantial harm to the significance of these heritage assets. The limited public benefits of this proposal do not outweigh the perceived harm of the proposal. The proposed development therefore fails to accord with Core Policy 14 of the Core Strategy, policy DM9 of the DPD, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') the National Planning Policy Framework and Planning Policy Guidance, which are material considerations.

02

In the opinion of the Local Planning Authority, the proposed development by virtue of its siting and encroachment into the open field 'buffer zone' which extends along the eastern edge of the settlement would be detrimental to landscape character failing to conserve the landscape character of the open land along the eastern fringe of the village. This could also set a precedent for similar forms of development within the open field 'buffer zone' along the eastern edge of Eakring which cumulatively would further erode the character/grain of the settlement. The proposal is therefore contrary to criterion 4 of Policy DM5 of the Allocations and Development Management DPD (2013) Core Policy 13 of the Core Strategy (2011) and the landscape actions of policy Zone MN PZ 25 Maplebeck Village Farmlands and Ancient Woodlands of the Landscape Character Assessment SPD (2013) as well as the National Planning Policy Framework, a material planning consideration.

Note to applicant

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has

been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Unfortunately these revisions have been unsuccessful in removing the harm identified through the above reason for refusal.

BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext. 5840

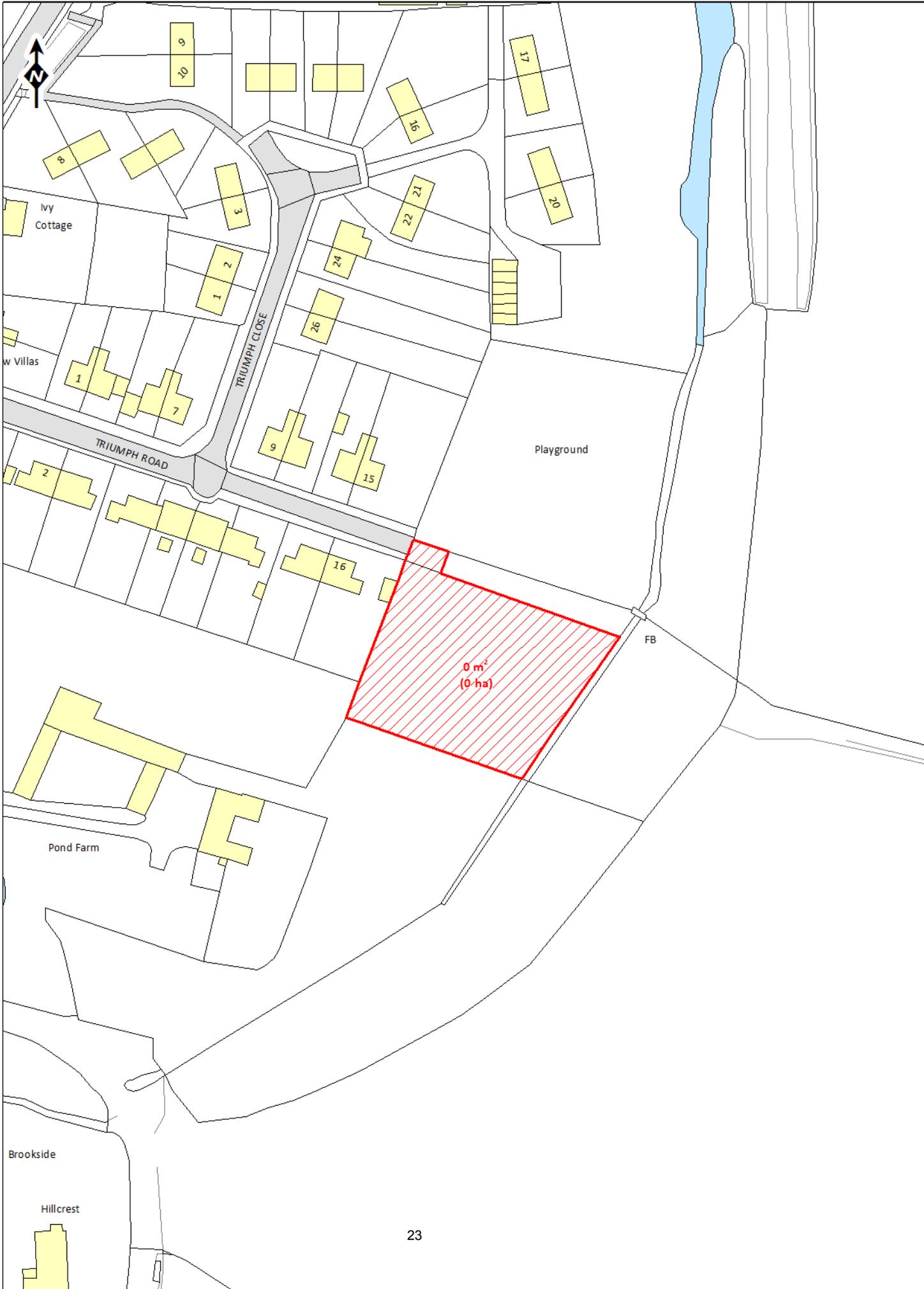
All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01679/FUL



Committee Plan - 16/01679/FUL



Application No:	16/02081/FUL & 16/02082/LBC	
Proposal:	Householder application construction of single storey rear extension	
Location:	The Old Barn, Main Street, Edingley, NG22 8BE	
Applicant:	Mr and Mrs Michon	
Registered:	23 December 2016	Target Date: 17 February 2017
	Extension of Time Agreed in Principle	

This application has been referred to Planning Committee at the request of the Business Manager, Growth and Regeneration.

The application was previously reported to Planning Committee on 7th March 2017 but was deferred to allow Members of the Committee to make a site visit.

The Site

The application site is situated within the village of Edingley and traditionally formed part of Manor Farm, which is Grade II Listed. It is part of a barn complex comprising a threshing barn and attached single storey elements with simple vernacular architecture and a distinctive horse-shoe plan form. The application site is occupied by a long single storey red brick and clay pantile barn building and given its past association with Manor Farm is considered to be a curtilage listed structure.

The barn has been sub-divided into two dwellings, carried out in 1999 and the application relates to the south-western half. The adjoining dwelling (converted barn), situated to the north-east is screened by a brick wall (approx. 2m high) and vegetation of various heights. The Manor Farmhouse is situated to the south-east of the site with open fields adjacent to the other boundaries. A public right of way runs adjacent the rear boundary.

Relevant Planning History

16/02081/LBC - Construction of a single storey extension to the rear –Decision pending

PREAPP/00166/14 - Proposed garden room extension. Reply given 14.08.2014

09/01040/FUL –Householder application for insertion of new roof lights. Approved 29.09.2009

09/01414/LBC – Internal alterations to kitchen ceiling, new entrance door and insertion of roof lights. Approved 26.10.2009

05/02801/FUL – Erection of single storey extension & repositioning of existing attached garden store to form detached garden store (Resubmission). Approved 15.02.2006

05/02800/LBC – Erection of single storey extension and repositioning of existing attached garden store to form detached garden store (Resubmission) Approved 15.02.2006

05/01786/FUL – Glazed single storey link to 2 storey bedroom extension. Refused 29.09.2005
05/01787/LBC – Two storey extension. Refused 29.09.2005

97/50542/FUL – Conversion of farm buildings to one dwelling. Approved 07.03.1997
97/50543/LBC – Conversion of farm buildings to one dwelling. Approved 07.03.1997

94/50465/FUL – Conversion of farm buildings to two dwellings. Approved 28.07.1994
94/50464/LBC – Conversion of farm buildings to two dwellings – Approved 28.07.1994

37890476 – Convert farm buildings into 2 no. dwelling units – Approved 28.09.1989
37890476LB – Conversion to two dwellings – Approved 28.09.1989

37831054LB – Alter buildings to 3 dwellings erect garage and demolition – Approved 08.12.1983

37830430 – Convert farm buildings to 3 dwellings – Approved 05.10.1983

The Proposal

Planning permission is sought for the erection of a single storey extension to create an additional living room and bedroom. The maximum length of the extension measures 8.85m but reduces to 7.3m, it has a width of 4.5m and maximum height of 3.1m which slopes downwards to 2.6m. The proposed addition is modern in form with angled side elevation and shallow sloping, mono-pitch, copper roof (incorporating solar photovoltaics) with a canopy overhang and elevations formed partly by curtain glazing with slim line frame profiles and partly by horizontal timber weatherboarding. Linking the proposed extension to the barn is a frameless glazed link that sits below the corbelled brickwork to the existing eaves. Access to the link from the barn would be via an existing door opening and the alteration of an existing window opening into a door.

Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Planning Law and Policy

16/02082/LBC

Section 38(6) of the Planning and Compulsory purchase Act 2004 1990 does not apply to decisions on applications for Listed Building Consents, since in such cases there is no statutory requirement to have regard to the provisions of the Development Plan. LBC applications should be determined in accordance with the law (see, in particular, s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the relevant policies in the NPPF (in particular paragraphs 126-141). The objectives of the Development Plan and its policies may, though, be a material consideration in those decisions.

S.16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that the LPA may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions. S.16(2) states that in considering whether to grant listed building consent for any works, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.72(1) states that in the exercise, with respect to any buildings or other land in a Conservation Area, of any of the provisions mentioned in subsection (2) (the planning acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

16/02081/FULM

Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990).

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations and Development Management DPD Adopted July 2013

Policy DM5 -Design

Policy DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Householder Development SPD 2014

Conversion of Traditional Rural Buildings SPD 2014

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Edingley Parish Council –No response received to FUL, no objection to LBC

NSDC, Conservation – Object on the basis that less than substantial harm is caused.

"I agree the extension is so obviously a new add on that there is no concern over legibility. But simply being able to see this as a new add on does not then negate the perceived harm it will cause.

The structure makes no attempt to follow the simple and distinctive horse-shoe plan form of this barn complex. The contrasting material and form of the extension also sits directly at odds with the host building. I do understand this is a legitimate design principle in some circumstances, but in my opinion this works best against more monumental buildings which have the status to 'hold their own' against a contrasting extension. The effect is that the extension competes in design terms, causing a distraction from and incongruous addition to the simple vernacular architecture of this host building.

My concerns about this extension are echoed in the SPD on the Conversion of Traditional Rural buildings. Of listed barns it states that, *'Residential use is unlikely to be acceptable unless it can be demonstrated that the very special architectural and spatial qualities that such buildings possess are to be left virtually unaltered.'*

'To retain the character and architectural integrity of traditional rural buildings, alterations to existing fabric must be kept to the minimum necessary to facilitate the new use.'

'Most of the more commonly recognisable layouts of farm buildings can be found within the District. Although there may be subtle variations, most farm building groups can be classified as either: elongated, parallel, L-shaped, U-shaped or courtyard. Proposals that suggest extending existing farm buildings in a way inconsistent with the traditional form of farm groups found locally will not be permitted. Proposals should respect the original arrangement of the farm-building group under consideration and develop a scheme complimentary to it.'

I also appreciate the applicant's personal reasons for wanting an extension in this location, but of course this does not constitute any form of public benefit or provide 'clear and convincing justification' in planning/listed building terms for the harm.

I am aware that the extension will be partially obscured by a brick boundary wall, but the issues of visibility from the public realm is only of limited importance with a listed building. The Barn does not really have a 'rear' elevation, in so much as barn's appearance is a response to function and not really style and status. The barn's extension will also be clearly visible from the adjacent field which has a public footpath running through it so there will still be an element of visibility from the public realm."

No written representations have been received from local resident/interested parties.

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to impact on the special interest of the listed barn, impact on the residential amenities of neighbours and planning history of pre-application advice. It is considered that the application site is within the main built-up area of Edingley rather than in open countryside.

Impact on listed building and character of area

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.

The host dwelling is part of a barn complex, comprising a threshing barn and attached single storey element with simple vernacular architecture and a distinctive horse shoe plan form. The application site is occupied by a long single storey red brick and clay pantile barn building and given its past association with Manor Farm is considered to be a curtilage listed structure.

The views of the Council's Conservation Officer are clear and unequivocal in concluding that the proposal leads to substantial harm. I do not disagree with the view expressed, which I understand is shared with each of the officers within the Council's conservation team. The issues in this case if not whether one agrees with the conclusion of the Conservation Officers. Rather, the overall issues involved here are clouded slightly by the advice given to the applicant by a different, consultant conservation officer (who no longer works for the Council) in 2014. It is important for me to say at the outset that any officer who comments on an application must do so in a purely objective way and offer their professional opinion. It is not unusual for relevant professionals to either disagree or to consider that a case may be more balanced than another professional. That said, in an LPA context, professional views of officers are taken to inform the Council's informal view. I therefore feel that I need to explore the advice given to the applicant in 2014. Indeed, following discussions with the agent it is on the basis of these comments that the applicant wants the current scheme determining.

The 2014 advice could not be taken by any reasonable observer to have clearly identified substantial harm, as is the case with the current conservation team. Equally, the advice did not suggest that planning permission was a given. An extract of the advice is below:

‘The existing dwelling clearly portrays the linear building lines of a traditional single storey barn, which are a significant part of its character as a building and a designated heritage asset. Given this, any extension which would deviate from this traditional form would need to be justified and designed to ensure the historic interest is preserved. The dwelling has, however, benefitted from roof lights above the kitchen area as well as small velux windows which are modern additions; at the time of permission the roof windows above the kitchen were not considered by the Council to adversely affect the architectural or historic interest of the building.

From the plans submitted, it appears the garden room is likely to have a contemporary design which may perhaps limit the overall impact upon the Listed Building and balance out the addition in a location that does not follow the traditional form. Furthermore, the glass link has the potential to act as an effective transitional link without resulting in extensive work or attachment to the host dwelling; the use of the existing patio doors would also limit the harm upon the fabric of the building, which is likely to be viewed favorably from a Conservation perspective.

The use of materials will be key to the acceptability of the design and therefore should be carefully considered as great weight should be given to the asset’s conservation in accordance with the NPPF. Green roof is encouraged by the NPPF and as such the principle is likely to be viewed favourably subject to its final design and location.

Conclusion

“The principle of the extension is likely to be considered acceptable subject to final design and materials. However, justification would be required for the proposal, including reasons for its location, scale and materials before any formal assessment can be made. Should you wish to submit further plans prior to any formal submission, I would be happy to provide further comments.”

Whilst the advice was not so positive as to suggest planning permission would be forthcoming it did confirm that the principle of an extension would likely be acceptable subject to justification. No such justification accompanies this current application. I have no reason to doubt the applicants assertion that this application has been submitted in good faith and in the knowledge of the advice given previously which did state that the scheme may be acceptable, subject to further consideration. The current clear view is that it is difficult to see a justification that would justify a recommendation of approval. I have no option but to attach weight to the views of current officers of this Council, who remain strong in their view of harm.

Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. In accordance with Policy DM6, householder development is considered to be acceptable in principle providing any development does not adversely impact upon the amenities of neighbouring properties.

The proposed extension is situated in close proximity to the common boundary with the adjoining barn, which is defined by a brick wall approx. 2m high. A 1m high (approximately) wooden fencing

boundary treatment is provided between the rear and side garden of the host dwelling and the open farm land and adjacent public right of way (prow). The extension would be perpendicular to the existing rear elevation with a double fully glazed door opening facing the neighbour's rear garden and therefore have the potential to have greater impact on the privacy of the adjoining neighbouring property. However given that the proposal is single storey, with a 2m high boundary treatment and positioned located 2.78m away from that boundary I do not consider that its impact would cause an unacceptable degree of over-looking or result in overshadowing or over bearing impacts to the amenities of adjoining occupiers that would be sufficient to warrant refusal.

I am therefore satisfied that the proposal would comply with Policy DM6 in this respect.

Overall Planning Balance and Conclusion

I have considered the planning history and the current clear advice of the Councils Conservation Officer. I have regard to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') and paying special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. I note the courts view that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Taking all of the above into account, I would concur with the advice of the current conservation officer and consider that the importance to preserve the special interest of this listed building is paramount. The recommendation to Committee is therefore one of refusal.

RECOMMENDATION

That full planning permission is refused for the reason below

Reason for Refusal

01

In the opinion of the District Council the proposed extension, by reason of its siting, form and materials, would represent an incongruous addition that would cause less than substantial harm to the special interest of this listed building, which is simple vernacular architecture in a traditional horse-shoe form. This harm cannot be outweighed by any public benefit.

As such, the proposal does not comply with the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the listed building, its setting or features of architectural importance. It is also contrary to the National Planning Policy Framework, National Planning Practice Guidance as well as Core Policy 14 of the Newark and Sherwood Core Strategy (2011) and Policy DM9 of the Newark and Sherwood Allocations and Development Management DPD (2013) and the Council's Conversion of Rural Traditional Buildings SPD all of which form material considerations.

That Listed Building Consent is refused for the reason below

Reason for Refusal

01

In the opinion of the District Council the proposed extension, by reason of its siting, form and materials, would represent an incongruous addition that would cause less than substantial harm to the special interest of this listed building, which is simple vernacular architecture in a traditional horse-shoe form. This harm cannot be outweighed by any public benefit.

As such, the proposal does not comply with the duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the listed building, its setting or features of architectural importance. It is also contrary to the National Planning Policy Framework and National Planning Practice Guidance which form material considerations.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal however no positive outcome could be achieved.

BACKGROUND PAPERS

Application case file.

For further information, please contact Karen Adams on 01636 655855.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Application No:	17/00029/FUL
Proposal:	Erection of a Detached Dwelling with Associated Access
Location:	Land At Lunaris 16 Hemplands Lane, Sutton On Trent, Nottinghamshire NG23 6PU
Applicant:	Mr Stuart Favill
Registered:	17.01.2017 Target Date: 14.03.2017
	Extension of Time Agreed Until 24.03.2017

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Sutton on Trent Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The application site is a modestly sized rectangular plot to the west of Hemplands Lane within the village envelope of Sutton on Trent. The site is also within the designated conservation area which covers much of the village envelope. The plot previously formed the southern portion of the amenity space which served no. 16 Hemplands Lane however the plot has since been separated through the erection of a picket timber fence.

The surrounding area is both residential and commercial in nature. Properties immediately to the north of the site (on the western side of Hemplands Lane) are single storey in height (including the previous host property) whilst properties immediately to the south are two storey. Opposite the site is the Hemplands Surgery and a mixed use allocated site including housing.

Relevant Planning History

There is no planning history of relevance to the site.

The Proposal

The proposal seeks full planning permission for a single detached two storey, three bedroom dwelling. The dwelling proposed is modestly proportioned being approximately 10m in length by 6m in width. Off street parking is demonstrated to the east of the dwelling with a rear garden to the west approximately 15m in length.

The proposal has been amended during the life of the application in line with discussions with officers. The principle changes to the revised plans are alternative boundary treatments and design additions following from the original comments of the Conservation Officer as discussed below.

The application submission has been accompanied by a design and access statement which includes a Planning Statement and Heritage Impact Assessment.

Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Sutton on Trent Parish Council – Object to the proposal, over-development of the plot (the plot is much too small for a development of this size). Insufficient off road parking.

NCC Highways Authority – This proposal is for the erection of a detached dwelling with the construction of a new vehicular access to two parking spaces at the site frontage. There are no highway objections to this proposal subject to the following condition being imposed:

1. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway/verge crossing, of suitable width to accommodate 2 vehicles 'side by side', is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority. Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the plan ref. SF-03. The parking areas shall not be used for any purpose other than the parking of vehicles. Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

Note to applicant

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

NSDC Conservation – *Original comments received 6th March 2017:*

The proposal site is located within Sutton on Trent Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, as does CP14 and DM9 of the Council's LDF DPDs. Section 12 of the NNP is also relevant.

Looks a bit cramped, but very similar to the adjacent new build and would therefore be hard pressed to sustain a heritage objection in general terms. However, we require some minor adjustments to the proposal before we can formally support the proposal:

- An integral chimney should be added, preferably to the roof (this could be a false stack);
- An alternate roof tile should be used which is a natural clay pantile of a non-interlocking variety.

In addition, timber joinery and cast-like rainwater goods should be used (this can be conditioned). Thought might also be given to restricting accretions on the front elevation not shown on plan, and to the boundary treatment. PD might also be restricted for alterations, notably to the roof (e.g. solar panels).

Comments received in respect of revised plans:

Conservation is happy with the revised approach.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- The property will be too close to neighbouring properties including living room windows which will be overlooked
- The narrow plot will not accommodate a big detached house
- The house will cause overshadowing

- There will be increased parking on the street – the road outside is already crowded with cars visiting the doctors surgery
- Overhead electricity cables will be too near to the new house
- The design and access statement is not reflective of the current situation depicting the site as larger than it is – there are inaccuracies regarding the boundary lines
- The dwelling will look out of place in the street scene
- The application fails to meet the fundamental principles of the NPPF
- The scale is inappropriate for the conservation area
- Maintenance would be difficult as the property would be so close to the boundaries
- The new property would introduce windows immediately opposite neighbouring windows resulting in impacts on privacy
- The proposed dwelling would be beyond the rear building line of neighbouring properties leading to a loss of privacy and natural daylight to neighbouring garden
- The application site is greenfield land and represents garden grabbing
- The additional dropped kerb would mean the western side of Hemplands Lane would be almost entirely dropped kerbs
- There are water drainage problems and any further reduction in kerb height will exacerbate the situation
- Hemplands Lane has high usage by HGVs with a poor condition of carriageway
- Hemplands Lane is also used by large agricultural vehicles and buses
- There is no ready means of electricity supply for a new building
- There is no requirement for the additional dwelling given that the land directly to the east has been identified as a location for 50 new houses

Appraisal

Principle of Development

The site is located within the built up area of Sutton on Trent which is identified within the Core Strategy as a Principal Village under Spatial Policy 1 and 2. It has a defined village envelope and a good range of day to day facilities to support the current and future community.

As such, it is considered to be a sustainable location for new housing development in accordance with the aims of Policy DM1 of the DPD. The principle of an additional dwelling within the site is therefore acceptable.

The recognition of the site as a designated heritage asset in terms of the location of the property within the conservation area warrants Core Policy 14 and Policy DM9 of relevance. These policies seek to preserve and enhance the character, appearance and setting of the District's heritage assets.

Impact on Character including the Heritage Context

As identified the site is within the designated conservation area for Sutton on Trent. The CA boundary covers the historic core of the rural settlement and some of its surrounding open setting. It is characterised by a linear pattern of buildings along a grid of lanes adjacent to the Old Great North Road. The significant water course of the River Trent is situated to the east. The focal Grade I listed Church of All Saints is a significant landmark building within the CA. The historic layout and plan form of the CA is predominantly defined by rectilinear buildings that either front onto or are gable end facing the street, often directly onto or close to the highway.

It is noted that the current scheme takes reference from the modern development immediately to the south of the site. However, the modest width of the plot has implications in terms of a comparatively cramped appearance in plan form. The width of the property would be more akin to the semi-detached properties to the north of the site. Helpfully however, the application has been accompanied by a street scene elevation which demonstrates how the proposal would be interpreted in the context of the neighbouring properties. The modest width of the proposal in some respects allows the dwelling to form a gradual transition from the larger scale of the modern development to the south to the reduced scale and form of the bungalows to the north. The applicants have been amenable to minor design changes suggested by the Conservation Officer and have incorporated these into revised plans during the life of the application. Overall, officers consider that this is an appropriate approach to achieving built form within the site and the subsequent impact on the character of the CA is considered to be neutral.

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. CP9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The revised plans have referenced red facing brickwork and clay pan tiles with timber double glazed windows and doors. The use of timber can be secured by condition and further details of the facing materials sought as a condition.

The stance of the submitted design and access statement is that as the proposal is for the delivery of a single residential dwelling, landscaping details are neither provided nor proposed. This has however again been subject to discussions during the life of the application. The original application demonstrated that the highway access into the dwelling would necessitate removal of

all of the hedged boundary treatment along Hemplands Lane. Whilst the length of the removal would be modest in overall context it would nevertheless remove a degree of greenery in the surroundings introducing a harsh street frontage of hardstanding. As such, revised plans have been received which demonstrate that an element of the hedge will be retained at the front of the site and the northern side boundary (the southern boundary is not in control of the applicant) has been revised to show a fence of an overall height of 1.3m but with 300mm of trellising at the top which would soften the impact of the additional boundary created in the street scene.

Subject to such conditions I am confident that the proposal is compliant with CP 14 and DM 9 as well the relevant criteria of Policy DM5.

Impact on Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Being an infill development the proposed dwelling will inevitably share a close relationship with neighbouring residential development. The most significant impacts will be towards the immediately adjacent neighbours; no. 16 to the north and no. 18 to the south. The bulk of the two storey development is sited broadly central within the site between the established built form of the neighbouring dwellings. Concerns raised in respect of the proposed dwelling extending beyond the rear building line of neighbouring properties is noted, however this would be marginal and is not considered significant in terms of creating an overbearing impact in respect to the southern neighbour. There is a single first floor window in the northern elevation of no. 18 but this appears to be a secondary window serving a bathroom and thus I do not consider that the change to the current outlook would be significantly detrimental to neighbouring amenity. The site plan demonstrates a distance of just over 2m between the gable ends of the two properties.

The proposal would bring two storey building form closer to the side gable of no. 16 Hemplands Lane. There are windows in the southern elevation of the single storey property at no. 16 but I am satisfied that the property is also sufficiently served by windows orientated east and west which would ensure that the majority of the occupiers outlook would be towards open space rather than built form. I note the intention for a 1.8m high timber fence to be erected along the shared boundary. The presence of an existing garage would ensure that the distance from the habitable windows to the side gable of the proposed dwelling would be approximately 6.5m. In my view this is on the cusp of acceptability but having considered the overall amenity situation I am not convinced that this factor alone (i.e. the outlook of gable end windows) would be enough to justify a resistance of the proposal on amenity grounds. In reaching this judgement it is noted that the outlook of these windows is already towards two storey development at no. 18 Hemplands Lane. I appreciate that the orientation of the windows southwards means that the development has a greater potential to result in a loss of light but again I do not consider that this would be materially worse to warrant refusal when compared to the existing situation.

In terms of a loss of privacy through overlooking I am comfortable that the proposed and existing boundary treatments of 1.8m close boarded fences towards the rear of the site would protect neighbouring amenity at ground floor. At first floor one window is proposed to both the north and south elevations but these are to serve a bathroom and a landing and thus can reasonably be required by condition to be obscure glazed. The rear elevation features bedroom windows however any outlook from these windows to the rear gardens of neighbouring properties would be at an oblique line of sight and in the case of outlook towards no. 16 Hemplands Lane intervened by single storey development on the neighbouring site in the form of an attached garage. As such, I have identified no detrimental impact to the amenity of neighbouring occupiers arising from the development.

Clearly in occupying existing garden amenity space, the proposal will have an impact on the level of private garden space available for the occupiers of no. 16 Hemplands Lane. Nevertheless the plot size of a sufficient size such that the host property would retain a degree of private amenity space commensurate with its attached neighbour. The proposal would also provide an adequate rear amenity space for the occupiers of the proposed dwelling.

Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The site plan demonstrates provision for two off street parking spaces. Comments received during consultation confirm that there are no highways objections to the development with the proposal demonstrating adequate parking and turning facilities as well as a safe access point. The Highways Authority have been consulted on the revised plans which demonstrate a reduced access width (albeit retaining space for two cars). Any comments will be reported to Members as a late item. In the anticipated absence of an objection the proposal complies with Spatial Policy 7 and Policy DM5.

Overall Balance and Conclusion

The site as existing forms part of the amenity area to no. 16 Hemplands Lane. Subsequently the development site is relatively modest in its width. Nevertheless officer's consider that the proposal has appropriately considered the context of the surrounding area in its design such that the site can deliver a single detached residential dwelling without significant detrimental impacts to either the designated conservation area nor neighbouring amenity. In acknowledgement of the sustainable location of the site within the village envelope officers attach weight to the housing delivery which the proposed scheme would deliver. No other material planning considerations have been identified which would outweigh the benefits of the scheme. The proposal is therefore recommended for approval subject to the conditions outlined below.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- Site Layout Plan – SF-02 Amended Plan - 8-3-17
- Proposed Floor Plans & Elevation to Hemplands Lane – SF-03 Amended Plan - 8-3-17
- Proposed Elevations – SF-04 – Amended Plan – 6-3-17

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway/verge crossing, of suitable width to accommodate 2 vehicles 'side by side', is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

05

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the plan ref. SF-02 Amended Plan - 8-3-17. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

06

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning.

Reason: In the interests of highway safety.

07

The first floor window openings on the side elevations shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

08

The development hereby approved shall be carried out in accordance with the 'Windows & Doors' and 'Rainwater Goods' details as demonstrated on the annotations in plan reference SF-04 Proposed Elevations Amended Plan – 6-3-17. The use of timber joinery shall be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve the character and appearance of the designated Conservation Area within which the site is situated.

09

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Class G - chimneys, flues etc on a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

Class A - installation or alteration etc of solar equipment on domestic premises

Class B - installation or alteration etc of stand along solar equipment on domestic premises

Class H - installation or alteration etc of wind turbine on domestic premises

Class I - installation or alteration etc of stand-alone wind turbine on domestic premises

Reason: In the interests of visual and residential amenity and to preserve the character and appearance of the designated Conservation Area within which the site is situated.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The development makes it necessary to construct a vehicular crossing over a footway/verge of the

public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

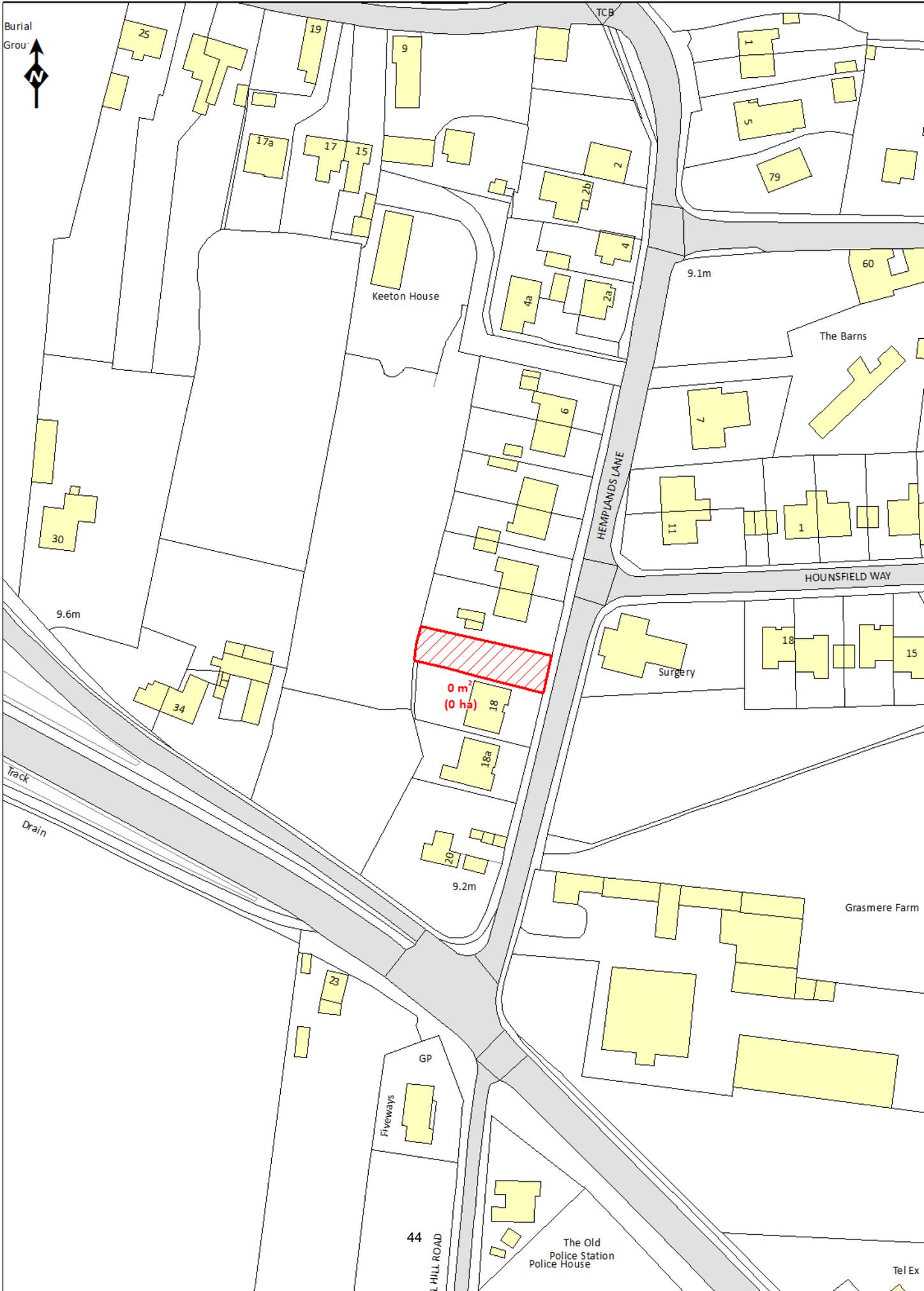
Application case file.

For further information, please contact Laura Gardner on ext 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00029/FUL



Application No:	16/01807/RMAM	
Proposal:	Construction of 40 residential dwellings with associated parking and infrastructure	
Location:	Phase 2, Land off Station Road/Swinderby Road, Collingham, Nottinghamshire	
Applicant:	Larkfleet Ltd (Mrs H Guy)	
Registered:	14 November 2016	Target Date: 13 February 2017
	Extension of Time Agreed until 23 March 2017	

The Site

The site comprises part of the site allocation that was last year granted consent for a mixed use development on land to the east of Collingham under Policy Co/MU/1 of the Allocations and Development Management DPD 2013.

This part of the site comprises c1.47h hectares of agricultural land located to the north-west of the Braemar Farm development site which is south of Swinderby Road.

The site extends from Swinderby Road and lies adjacent to existing residential development at Windsor Close and Braemar Road and extends south in line with an existing garage court accessed of the latter.

The site comprises arable land that is relatively flat, with few defining features on the ground. South Collingham Drain (an open watercourse) runs the length of the western and northern site boundaries. There are some trees and vegetation along the site boundaries to the north and west whilst the remaining boundaries of this application site are open.

Six residential properties bound the site to the west. These are 78 Swinderby Road, Numbers 1 and 2 Windsor Close and Numbers 17, 19 and 21. Dwellings are also located on the opposite side of Swinderby Road to the north of the site.

Relevant Planning History

09/SCR/00007 – A Screening Opinion (under the Environmental Impact Assessment Regulations) was sought for a proposed residential led mixed use development (the development that comprised 10/00685/OUTM) at this site. It was concluded that an EIA was not required.

10/00685/OUTM – An outline application for a mixed use village development at Braemar Farm was lodged in May 2010. This application comprised not less than 200 dwellings (including affordable and specialist retirement housing) not less than 1500m² of Use Class

B1 (a) (b) & (c) employment development and Public Open Spaces; together with associated roads and car parking, drainage, service, renewable energy and green infrastructure, with vehicular accesses from Station Road and Swinderby Road. This application was withdrawn in June 2012.

12/00895/OUTM - Outline application for mixed use development comprising up to 80 dwellings (including affordable housing) up to 60 class C2 extra-care units, up to 0.75ha use class B1 (a) (b) & (c) employment development; and public open spaces; together with associated roads and car parking, drainage, utility services and green infrastructure, with vehicular accesses from Station Road & Swinderby Road. Approved 11/08/2016. (Decision notice appended to this report).

16/01476/RMAM - Reserved matters for Phase 1 comprising the new accesses to the highway, spine road, footpath, foul and surface water drainage and associated landscaping. Pending consideration.

The Proposal

Reserved matters approval is sought for 40 dwellings together with their associated parking/garages, internal roads and an area of public open space to their south. This phase is known as Phase 2 (although it should be noted that it was referred to as Phase 3 within the outline consent).

The scheme comprises 28 market dwellings and 12 affordable houses (already secured through the S106 executed in conjunction with the outline consent) all two storey, with the following mix:

Property Type	Numbers
1 bed (affordable)	4
2 bed (affordable)	6
3 bed (affordable)	2
3 bed (open market)	8
4 bed (open market)	12
5 bed (open market)	8
	40 dwellings

Following concerns raised during the life of the application regarding the design, layout and housing mix, amendments to the scheme were submitted for some 17 of the plots. Whilst the mix remains the same a justification for this has now been included.

Also supporting the application is the submission of a landscaping scheme (hard and soft) and details of proposed external facing materials as well as a revised masterplan (version F).

Departure/Public Advertisement Procedure

Occupiers of 21 neighbouring properties have been individually notified by letter. A site notice has been displayed on site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 7 - Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment
- Core Policy 13 – Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

- Policy Co/MU/1 – Collingham Mixed Use Site 1
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Policy Guidance Suite, on-line resource (March 2014)
- Newark and Sherwood Affordable Housing SPD (June 2013)

Consultations

Collingham Parish Council – Object:

24/02/17: “The additional information provided for comment is with regard to Pavements and Drainage only. This does not address the comments made previously.”

30/01/17: “The additional information provided with regard to this application is cosmetic and does not address the comments made previously. Clarification with regard to the provision of footpath links is appreciated and supported. This will be useful in providing better pedestrian access in the area.”

Previous comments (objections) made following their meeting on 8/12/16:

“The Parish Council considered this application at the meeting of 8th December 2016.

The Reserved Matters for Phase 1 comprising the new accesses to the highway, spine road, footpath, foul and surface water drainage and associated landscaping was not supported. The Parish were disappointed to note that all of the issues raised at outline stage have not been addressed. As such the original objections to this development still remain valid. The

submission of Phase 2 for the first 40 houses has not addressed any of the issues previously raised with regards to the infrastructure and has added further issues, with the introduction of speed reducing features for vehicles.

The issues identified are:

The drainage ditch/dyke proposed is too close to the housing and facilities for children and the elderly and is therefore a considerable risk which must be removed. There are a number of suggestions as to how this may be achieved:

- Retain the existing ditch in its current location and provide suitable maintenance access as required – access appears to be the only reason for relocating it into the middle of the site.
- Provide a piped ditch/box culvert so that the danger is removed completely from the middle of the site – this will enable additional space to be made available within the site.

The Through Road should not permit the through movement of traffic. This road will become a rat run to avoid the already congested Braemar Road or Cross Lane and the Level Crossing, especially as it is a direct link between Station Road and Swinderby Road. There is no objection to pedestrian/cycle and Non-Motorised Users through movements. This could be by either:

- Extending the green space from one side of the road the other and creating a natural division of the site
- Providing a rising bollard or similar which would permit emergency vehicles and/or waste services access through the site but with no other vehicular movements
- Provide a crash gate or similar which would permit emergency services access as required

Ensuring that the road is no through road, means that the speed reduction features which are located very close to properties can be removed. This will then remove any issues of noise and vibration to any householders which may render the properties unsaleable.

The proposed 3m verge will encourage parking for the station as evidenced by the current parking situation along Station Road, rather than encouraging use of the car park. The verge is not suitable for parking due to the French Drain being located in it and vehicles using it to park will damage it and render it useless for drainage purposes.

Drainage on this site is still a concern and the possibility of flooding occurring during an extreme weather event. These weather events appear to have become more regular and there is concern that there wouldn't be enough capacity to deal with the water. Would it be possible to provide information on the mitigation that has been put into place on the site to deal with this issue.

The outline proposals appear to show a pedestrian link/access, via the existing garages on Braemar Road no details are included for this in the detailed planning. Information as to whether this proposal has been removed from the plan all together or if this will appear at a later stage would be appreciated.

With consideration of the proposed housing detailed in this application the Parish Council does not support these proposals:

- The houses proposed are not in keeping with any of the other houses in the village. They are particularly not in keeping with the houses along Swinderby Road.
- There is insufficient parking provision for each property, especially the affordable housing
- The affordable housing is poorly designed and overcrowded
- The layout and density of the site need to be reconsidered.”

NCC Highways Authority – 08/03/17:

“Further to comments dated 7th December 2016, revised drawings have been received. However, in line with comments received in an email dated 1st March 2017 from Larkfleet, it is expected that drawing MA10064/602-1 shall be updated to match the road layout shown on drawing PL-02C.

It is understood that all access roads shall remain privately maintained. In order to be exempt from the Advance Payment Code (Sections 119-120 Highways Act 1980), the following requirements should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of road signs indicating that the roads are private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the roads and what this will mean to them in practice;
- The provision of evidence that future maintenance of the roads has been secured. **For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;**
- The boundary between the private roads and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

Assuming the above issues are satisfactorily addressed to the satisfaction of the LPA, no objections are raised subject to the following conditions:

No dwelling shall be occupied unless and until the Spine Road, subject to planning application 16/01476/RMAM, is constructed at least up to and including binder course level for that length of the site to enable vehicle passage from that said dwelling to the public highway.

Reason: To enable safe vehicle passage and access to the public highway network.

Prior to occupation of the 21st dwelling, the Spine Road, subject to planning application 16/01476/RMAM, shall be constructed for its whole length between Swinderby Road and Station Road at least up to and including binder course level.

Reason: To restrict the level of development generated traffic using the High Street/Swinderby Road junction in the interests of highway safety.

Where a driveway/parking area is taken directly from the estate Spine Road, the associated dwelling shall not be occupied until its driveway/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced driveways and parking / turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

Notes to Applicant:

The Advance Payment Code (Sections 119-120 Highways Act 1980) will apply. In order to be exempt from this, the following requirements should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of road signs indicating that the roads are private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the roads and what this will mean to them in practice;
- The provision of evidence that future maintenance of the roads has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;
- The boundary between the private roads and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.”

Nottinghamshire County Council (Lead Flood Risk Authority) – “This reserved matters application relates to an existing outline permission that was given following consultation with the Environment Agency (EA) and prior to Nottinghamshire County Council as Lead Local Flood Authority having a statutory consultee role. As such all comments regarding this development must be obtained from the EA.”

06/03/17: “Due to the date of the original outline planning permission surface water comments are being addressed by the Environment Agency. We would however recommend that consideration is given to how the proposed SUDS features will be managed and maintained for the lifetime of the development prior to discharge of any surface water conditions.”

Environment Agency – 28/02/17

“Based on the new information, I can confirm that we have **no objection** to the reserved matters application relating to the phase 2 element of the proposed development.”

31/01/17 – “Based on the information submitted, it is unclear how the proposed development will incorporate SuDS and therefore we object to the reserved matters application.

To enable us to remove our objection to the reserved matters application we will require

the applicant to demonstrate how SuDS will be incorporated throughout the proposed development.”

Nottinghamshire Wildlife Trust – No comments received.

Internal Drainage Board – 10/03/16:

“The site is within the Trent Valley Internal Drainage Board district.

The Board maintained South Collingham Drain is an open watercourse, exists on the western and norther site boundaries to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. It is intended this watercourse will be diverted through the centre of the site.

Following further information received, the Board is in a position to remove the objection dated 5th January 2017, subject to the following;

- **The 6 metre maintenance easement shall have a maximum gradient of 1:60 to ensure safe working for the Boards machinery.**
- **The maximum surface water discharge permitted by the Board shall be 3 litres per second per hectare.**

The Board’s consent is required to erect any building or structure (including wall and fences), whether temporary or permanent, or plant any tree, shruc, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board’s consent is required for any works, whether temporary or permanent, in, over or under any Board maintained watercourse or culvert.

The erection or alteration of any mill dam, weir or other like obstruction to the flow or erection of alternation of any coluvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent.

The Board’s consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board’s consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board’s machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board’s requirements if the Board’s consent is refused.

Any planting undertaken at the site must be carried out in such a way to ensure that the planting does not encroach within 9 metres of any Board maintained watercourse when fully matured.’

05/01/17 – The Board raised objection pending the submission of further information and amendments.

NSDC Access and Equalities Officer – General observations made.

A total of 4 representations have been received from interested parties/local residents (3 in respect of the original submission and 1 following the revisions) which are summarised as follows:

- Concern at distances between dwellings;
- Plot 20 will have an overshadowing and overbearing impact and provide a loss of privacy to neighbouring property;
- Loss of light to existing garden koi pond adjacent to Plot 20 which will have negative impact on health of the fish;
- Plots 21 and 22 would overlook entire garden areas of adjacent existing dwellings;
- Village junior school is already at capacity with a waiting list and it is almost impossible to get a doctor's appointment. With a proposed 40 houses and a UK average of 2.4 people per house hold an already stretched village will be at bursting point;
- Living in a village surely means that, a village not a built up living on top of each other town;
- Concern that a tree has been felled in November 2016
- Object on the grounds of dangerous vehicular access and egress whichever road is chosen, Dykes End or Brooklands Close;
- To enter the A1133 is better than Station Road but would mean using Brooklands Close and that has a sub-standard width road with a blind double end. Dykes End suffers from vehicle parking for the entire length making current vehicular movement difficult which would become impossible.
- Object to losing green space from heart of the village, too much has disappeared already and more would be an environmental disaster.

Comments of Business Manager

Background and Context

Members resolved to approve the outline application for the wider mixed use site allocation at its Planning Committee in December 2014 in accordance with the officer recommendation. Lengthy delays followed relating to the signing and sealing of the Section 106 Agreement which was eventually executed in August 2016 with planning permission being issued on 11th August 2016.

The Principle

The principle of the development is now established through the granting of the outline consent with the means of access being the only matter that was considered and ultimately approved. The principle of the uses and the parameters and general disposition of uses are therefore established and need not be considered further in any detail.

Members will note that an application for Phase 1 (the infrastructure phase) is currently pending consideration and also before Members for consideration. This application relates to what is now known as Phase 2 for half of the consented housing. Only reserved matters including appearance, landscaping, layout and scale of the development proposed is open for consideration.

In the event that Phase 1 is not determined before this scheme, I would advise that this scheme can still be considered and determined by Members but it would mean that given there would be no approved access to Phase 2 any approval for Phase 2 could not be implemented on the ground.

Housing Density, Mix, Type and Need

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances.

Phase 2 comprises 1.33 hectares and so the density equates to 30 dwellings per hectare which is in line with the policy expectations.

Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should,

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan (in terms of the policies identified below) reflects this and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the following policies.

CP3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. Such as mix will be dependent on the local circumstances of the site, the viability of the development and any local housing need information.

The proposal seeks to provide the following mix for the market housing; 8 x 3 bed houses, 12 x 4 bed houses and 8 x 5 bed houses. In terms of what the local demand is, evidence of this is contained within the Newark and Sherwood Housing Needs Survey Sub Area Report 2014 by DCA. This shows that in the market sector, for the Collingham Sub Area, demand is for mainly 2 bedroom dwellings (42.8%) followed by 3 bedroom homes (34.2%) then followed by 4 bedroom homes (23%).

The applicants were made aware of this and invited to amend the mix accordingly. However in response the applicant has decided to retain the mix as originally proposed and provided a justification which is as follows:

“Having looked at the Housing Need Survey 2014, I note the following.

The HNS makes no account of incoming migration and potential for market dwellings being provided – it focuses purely on the needs of existing residents within the village and surrounding areas. The survey pay no heed to the potential requirements of new residents aspiring to live in the village.

Having a strong East Midlands base with upward of 12 construction outlets at various stages – the sales team at Larkfleet undertake a series of market examinations when considering a site. Based on product, site size, location and current, market values of houses, the dwelling mix that has been presented in the Planning Layout Rev E, was felt to provide a cross section of dwelling sizes, styles and price range, thus being desirable, available and affordable to all sections of society.

Taking the development site as a whole, phase 4 which will see the construction of 60 C2 (extra care) dwellings, which will provide a specific requirement in terms of need. They will be offered to eligible persons and the criteria is set out in the S106 agreement. It is anticipated that the majority of these dwellings will be 1,2 or at a maximum 3 bed dwellings and single storey in nature. The HNS fails to take into account any need for these units and the contribution they will make, and when the site is looked at in the round – the 2 bed units will then be in the range of the suggested 42%, if not more.”

This justification is noted. Whilst I do not necessarily agree with all of the comments made I do accept the point that the outline scheme allows for up to 60 extra care units which will likely be smaller, single storey residences and taken in that context there would be more of a mix. I further note that there are smaller 1 and 2 bedroom dwellings being provided in the affordable offer which adds to the mix overall. I also appreciate that Larkfleets part of the site (half of the housing consented) is essentially capped at 40 and that to have more smaller units could affect the ability to make efficient use of the land and potentially their ability to make a profit. The lack of 2 bedroom market housing is regrettable. However family size market housing is required in this district as acknowledged by CP3 and for all of the reasons I have set out I conclude that the overall mix when taking into account the wider site context is acceptable.

In line with CP1, this phase would deliver 12 affordable units which equates to 30% of its proportion of the 80 consented units. This Phase would secure 4 x 1 bed(sits), 6 x 2 bed and 2 x 3 bed dwellings. This would accord with both the amount and type of affordable unit that was secured at outline stage through the S106 Agreement by effectively providing half the quantum and type of units secured on this phase leaving Phase 3 to deliver the remaining 12 affordable units. I consider this is appropriate.

Design and Layout

The site lies at the edge of the built form with the dwellings to the west generally comprising two storey housing (mainly former local authority housing) with two storey houses and modern bungalows lying to the north. In this particular part of the village there is no standard house type or design and this part of the settlement lies away from the historic core and the designated conservation area. Nevertheless it is expected that good design in this context should reflect the positive features of Collingham as a whole and be designed to respect the local vernacular.

Good design is a key aspect of sustainable development, is and the NPPF sets out that the

Government places great importance to the design of the built environment and this expectation is reflected through policies CP9 and DM5.

This development proposes a layout whereby all 40 dwellings would be accessed off the spine road (which is proposed as Phase 1) which would run through the site from Swinderby Road to Station Road. Three primary accesses from the spine road are proposed to form cul-de-sacs and there would be no direct access to any dwellings from Swinderby Road itself.

Plots 1 and 2 are the houses that effectively signpost the design for the remainder of the development upon entrance from the north given their position adjacent to Swinderby Road. Whilst Plot 1 would face Swinderby Road, this would take its access from a private drive close to the site's main vehicular site entrance and would be set behind new 1.2m high metal estate fencing, behind existing trees and vegetation, the deep grass verge and a swale which abuts the roadside which are outside of the application site. Plot 2 would face the north but would take its access directly from the spine road. Given their set back from the roadside and the intervening soft landscaping and use of estate fencing I consider that this sets the tone of a fairly low density development that is suitable for its edge of settlement location.

Concerns were initially raised by Officers regarding the design and layout of the original submission in that insufficient account had been paid to the local vernacular and that overall the scheme was incohesive and failed to take account of what is positive about Collingham. In particular I had concerns regarding Plots 1 and 2 (arguably the most prominent) utilising half fake stone frontages which was particularly out of the character. The Parish Council raised objections, which amongst other issues, related to design concerns. Amendments have since been made and include the amended house types to 17 of the plots.

The amendments have included the introduction of house types with chimney stacks (which is a feature of many dwellings in the area) on 15 plots in the most prominent (edge of site) positions. The quarter houses (the affordable 1 bedroom units comprising Plots 3-6) were originally particularly out of character with what one would expect in the village, having a wide gable, slack roof pitch and it was my view that these were not tenure blind having such as having basic/special doors, a lack of detailing in terms of headers and cills and furthermore were located in a prominent position on the site. Following revisions I am now satisfied that its steeper pitch, chimney stack and detailing result in a tenure blind building that is more appropriate for its context.

Details of the external facing materials have been submitted; the majority of properties would be red brick with red rustic pantiles or plain slate grey concrete tiles, although a small number of properties (5) are proposed in a cream/buff brick and 5 properties are brick (both red and buff) with a frontage ivory render. Overall I consider that this material pallet is acceptable with the small number of buff and render breaking up the more dominant red brick. The boundary treatments proposed are also provided; the frontage to Swinderby Road would have black 1.2m metal estate fencing adjacent to the back edge of the swale and this type of enclosure would bound the majority of the private drive that abuts the public open space which would in my view provide a rural, open feel. Boundaries in other prominent positions such as along the spine road are sympathetically designed; such as the use of low vertical metal fencing to site frontages including soft planting and walls to enclose prominent corner plots. Some minor revisions to this have been requested during the life of the application, particularly in respect of treatment along the public open space

which now comprises walls and hedging which assists in improving the visual amenity and the longevity of boundary treatments to this area.

The amendments also re-introduce (as was originally shown on the phasing and masterplan) pedestrian footways being provided up to the western boundary of the site where these meet with the Council owned garage sites. This could, subject to future negotiations with the Council as land owner, allow the potential to provide better permeability for residents who otherwise would have to walk around the spine road and around the houses to get to the village core.

Where the dwellings lie adjacent to the public open space, amendments have been forthcoming to better provide it with natural surveillance. A street-scene elevation has been provided to demonstrate how this would appear and in my view this is acceptable.

Overall I am satisfied that the amendments that have been forthcoming to the house types are sufficient to ensure that the design is good and more reflective of the local vernacular. I consider that the scheme meets with the aspirations of the NPPF and local design policies.

Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. The impact of the scheme upon existing dwellings is assessed below.

There are dwellings located on the opposite side of Swinderby Road which are two storey to the north-west and single storey to the north and north-west. The nearest proposed dwellings are Plots 1 and 2 which face Swinderby Road. However the distances between dwellings here over 30m and 40m respectively with an intervening road so are considered to be acceptable.

There are 6no. properties bounding the site to the west, which are considered in turn from the north moving south:

No. 78 Swinderby Road is a two storey dwelling with a single storey off-shoot at its side and has its side elevation facing the application site. This property has small windows at both ground and first floor levels. This dwelling is c4m from the boundary albeit the 2 storey element is almost 6m from the boundary. Plot 1 would be located c1m from the boundary giving a distance of c7m from this dwelling with the distance between two storey elements being c9.7m. Given that the existing windows in No. 78 appear to be secondary windows, I am satisfied that there would be no direct overlooking that would constitute a reason for refusal. The distance between dwellings that are essentially side on to one another is considered adequate.

Numbers 1 and 2 Windsor Close comprise a pair of two storey semi-detached dwellings. Their rear elevations are between 10m and 14m from the boundary and contain windows at both levels. The existing garden of the northern-most dwelling (No. 2) abuts proposed gardens whereas the rear elevation of No. 1 would be located c13m from the blank side end gable of Plot 20. I consider that this relationship is acceptable in order to avoid adverse impacts such as direct overlooking, being overbearing or indeed overshadowing.

Numbers 17 and 19 Braemer Road, a pair of semi-detached dwellings, also have their rear elevations facing the site which are between 9 and 13m from the boundary. The garden of northern-most dwelling's (No. 17) would abut the garden of Plot 21 with the plot itself located to the north-east therefore limiting direct overlooking and in any event the distances between these properties is c24m which is considered acceptable. No. 19 Braemer Road would be located c21m away from Plot 29 which is again considered to be sufficient to meet the needs of privacy.

Number 21 Braemer Road is an end terrace with its side elevation facing the site situated some 11m from the boundary of the site. The side elevation of this existing property would be c22m from the rear elevation of Plot 30. I consider that this distance is sufficient to meet the needs of privacy.

The proximity of other existing properties from the site means that there would be no other loss of residential amenity arising from the development. I am satisfied that the proposed development therefore accords with DM5 and the NPPF in terms of residential amenity.

Highway Matters

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The points of vehicular access into the site are fixed on Station and Swinderby Road(s). The roads within the development, from the tangent points from the spine road, are proposed as permeable paving which the Highways Authority do not currently adopt. The reason for this is because there is not the sufficient space within the layout to provide the required attenuation which has given Larkfleet's little choice but to provide this system. The applicant has confirmed that the roads will be privately maintained and has suggested that they would look to convey the area away to plot purchasers as part of their title deeds and then class it as a shared driveway that all are responsible for. I am not convinced that this is acceptable given the substantial numbers of owners that would be involved in having to agree to fund maintenance of the road. This strikes me as not being good planning and I believe these interests would be best served through a deed of variation to the existing Section 106 Agreement to allow a management company to take on this role. This has been relayed to the applicant who has agreed in principle to this stance.

The Highways Authority raise no objections subject to three conditions, which I have discussed as clarified with them and these have been reworded where necessary in the interests of clarity. These conditions are firstly that the spine road (which is currently being considered under a separate planning application) is constructed to binder course level to allow vehicles safe passage to the highway network to the north (Swinderby Road) which is entirely reasonable and necessary. Secondly that before the 21st dwelling is occupied the entire length of the spine is provided, to allow dispersal of traffic through the site and to restrict the traffic using the High Street/Swinderby Road junction. Finally a condition has been requested to ensure that for all those dwellings which take direct access from the spine road, their parking and driveways is provided in a bound material which I concur is reasonable and necessary in the interests of highway safety.

I have noted that one representation from a local resident raises concerns regarding impacts on Dykes End and Brooklands Close but I also note that these roads are some considerable distance from the application site therefore I do not see how the development would directly impact on these roads. This is not a matter of concern to the Highways Authority.

Subject to the conditions mentioned above and those already imposed at outline stage which will remain, I am of the opinion that the proposal accords with SP7, Co/MU/1 and DM5 in respect of highway and parking matters.

Flood Risk/Hydrology

A Flood Risk Assessment accompanied the outline consent and there is no requirement for a further assessment to be provided at reserved matters stage. However Condition 15 of the outline consent required internal finished floor levels shall be set no lower than 10.19m Above Ordnance Datum which will require compliance. Conditions attached to the outline consent also required drainage strategies for the wider site and the strategic drainage strategy is largely dealt with as part of Phase 1.

In specific relation to this scheme further drainage details (including plans, impermeable and permeable layouts) have been provided in order to address the concerns of drainage and flood risk consultees. The Environment Agency has now confirmed that they are satisfied with the proposals and consequently I have to conclude that the proposals accord with the NPPF and CP10.

Ecology & Trees

No specific ecology appraisal has been submitted with this scheme and it is not actually required in order for the scheme to be approved but it would prevent commencement due to the presence of the ecological conditions that were attached to the outline consent. It is therefore helpful perhaps for me to set out the position with regards to these.

Condition 9 of the outline consent required bat surveys before any trees were felled within each phase. However as this phase does not contain any trees this is not relevant.

Previously the Ecological Survey (by Lapwing in 2010) that accompanied the outline application appeared to reveal that Great Crested Newts (GCN) were present in a pond within a garden approximately 90m from the nearest point of the proposed development site and linked to it by a ditch. Based on the Natural England Newt Mitigation Guidelines the newt population was considered to be at the upper limit of a small population. GCN are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Habitat Directive and therefore their presence was considered a constraint to the proposed development. It was concluded that the development would lead to the loss of habitats used by GCN for foraging and sheltering, that a licence from Natural England would be required in order for the development to proceed and appropriate mitigation and compensation would be required secured through Condition 12 of the outline consent. However a more up to date survey that accompanies the Phase 1 application (16/01476/RMAM) has been undertaken and its scope includes this site. This has found no evidence of GCN on site. The agent has indicated that this discrepancy has arisen because the garden pond that likely supported the GCN no longer exists. On this basis it appears that Condition 12 of the outline consent is not relevant to this particular phase.

At outline stage it was established that the site has potential to support foraging and sheltering reptiles and that a reptile survey would need to be undertaken (during the periods April-June and September-mid October in order to establish what, if any impacts the scheme would have upon reptiles. This was secured through Condition 11. I note a survey of the site was conducted in May 2015 and that no evidence was found of reptiles and concluded that no mitigation was required in respect of Phase 1 or Phase 2 and therefore C11 of the outline consent for phase 1 is discharged.

Condition 13 of the outline permission required that a repeat badger survey be undertaken to establish likely impacts and mitigation required. I note that the site has been surveyed recently for badger setts (which are a transient species) and there was no evidence of badgers using the site recorded during the survey. On this basis I consider that Condition 13 has been satisfied in respect of Phase 1 and Phase 2 and no further action is required.

Condition 21 requiring ecological enhancements would remain as requiring actions from the outline. I am therefore satisfied that the proposals comply with CP12 and DM7 of the Development Plan and subject to the submission of a scheme of enhancements, there would be no ecological reason to prevent a start being made on site.

Developer Contributions

A range of developer contributions were secured at outline stage. There is no scope for a reserved matters application to review this. Education and Library contributions were not sought because the County Council stated that there was existing capacity and therefore there was no justification to require such contributions. This was the same in respect of health provision.

A Community Facility contribution was secured which is payable upon occupation of the 20th dwelling (which would hit this phase) and this would be spent in the vicinity of Collingham following discussions with the Parish Council as to which projects this would be serve at the time of receipt.

POS and Soft Landscaping

The Section 106 Agreement also secured the provision of Public Open Space of c18m per dwelling (in the form of provision for children and young people for dwellings capable of family occupation; i.e. those containing 2 bedrooms or more) and 14.4m per dwelling (in the form of amenity green space. This formula based S106 contribution means that to provide for the development proposed (40 dwellings) a quantum of 1224m should be provided. This application provides c2048m which is more than required to meet its own needs. It is noted that this accords with the original masterplan which shows an intention to provide the majority of POS in this area. The provision of the minimum quantum of POS (1224m) would be provided upon occupation of the 20th dwelling which is halfway through this phase and then maintained by a management company as already agreed through the S106 Agreement. I consider that the proposals provided accord with the outline consent.

The soft landscaping scheme that has been submitted is not acceptable in that I am currently unable to decipher the proposed species (hand written in Latin) and the ones that I am able to read do not all appear to be native species appropriate to the East

Nottinghamshire Sandlands Character Area. I therefore suggest that a soft landscaping scheme is necessary to secure an appropriate scheme before development is commenced.

The wider planting proposals for the POS are controlled through the S106 Agreement in any event and do not require the imposition of a separate planning condition.

Archaeology

In order to deal with the sites archaeology interest as per Policies Co/MU/1, CP14 and DM9, a condition was imposed at outline stage that does not allow development to be commenced until a scheme of archaeological mitigation was submitted to and approved in writing by the LPA. As part of this reserved matters application in respect of Phase 1 an overreaching scheme for the specification for an archaeological strip, map and sample work has been submitted for the entire site which the County Archaeologist has commented upon. They have confirmed that they are satisfied that the pre-commencement element of the condition has been met. It remains that the scheme should be implemented and a final report be submitted in due course. The scheme has therefore partially discharged Condition 14 of the outline consent and works can begin without further reference to the LPA in respect of archaeology.

Conclusion

In conclusion I am satisfied that the proposal provides an appropriate design and layout for the site and adequately takes into account its context. I am satisfied that taking into account the wider extant outline proposals the mix and type of houses proposed is adequate to meet the district's housing needs. It is understood that the applicants are keen to make a start on site with it being programmed into Larkfleet's schedule for this financial year with a start on site in July if approved. The 40 dwellings if approved would make a positive impact to the Council's 5 year housing supply and delivery. No harmful impacts have been identified as set out within the report and therefore the recommendation is for approval.

RECOMMENDATION

It should be noted that conditions imposed at outline stage will still apply unless they are not relevant, have been discharged or have been dealt with as part of the reserved matters process.

That reserved matters approval is approved subject to

- i) The signing and sealing of a Deed of Variation to secure the future maintenance of the internal roads within this phase through a management company; and**
- ii) the following conditions:**

Conditions

01

The external materials to be used in the development shall be in accordance with the details shown on drawing no. External Materials EM-01 Rev A (received 16th January 2017)

unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

02

No development shall be commenced until full details of soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

an implementation and phasing programme.

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

Reason: In the interests of visual amenity and biodiversity.

03

The approved soft landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

04

The approved boundary treatments for each individual plot on site (shown on drawing no. BT-01, received on 10th March 2017) shall be implemented prior to the first occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No dwelling shall be occupied unless and until the Spine Road, subject to planning application 16/01476/RMAM, is constructed at least up to and including binder course level for that length of the site and connects with Swinderby Road to the north to enable vehicle passage from that said dwelling to the public highway.

Reason: To enable safe vehicle passage and access to the public highway network.

06

Prior to occupation of the 21st dwelling, the Spine Road, subject to planning application 16/01476/RMAM, shall be constructed for its whole length between Swinderby Road and Station Road at least up to and including binder course level.

Reason: To restrict the level of development generated traffic using the High Street/Swinderby Road junction in the interests of highway safety.

07

Where a driveway/parking area is taken directly from the estate Spine Road, the associated dwelling shall not be occupied until its driveway/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced driveways and parking / turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

08

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, references

Boundary treatments BT-01 (dated 08/03/17)

MA 10064 200-1 Proposed Drainage Layout – Sheet 1 of 2
MA 10064 200-2 Proposed Drainage Layout – Sheet 2 of 2
MA 10064 201 Drainage Construction Details
MA 10064 202-4 Impermeable Areas Plan Sheet 1 of 2
MA 10064 202-2 Impermeable Areas Plan Sheet 2 of 2
MA 10064 602-1 Proposed Pavement Layout Sheet 1 of 2
MA 10064 602-2 Proposed Pavement Layout Sheet 2 of 2

received 21st February 2017, and

Amended Street Scenes – Drawing No. SS-01, received 30th January 2017

2428 House Type (Plot 31) A00/DS/AS (detached half render house 4 bed)
2427 House Type (Plots 30, 32), 2427/COL/DS/01
2427 House Type (Plot 10) 2427/A00/DS/AS

received 23rd January 2017

2323 House Type (Plots 16 OPP, Plot 17 AS) 2323/CO/DS
External Materials EM-01 Rev A

Roof Tiles RT-01 Rev A
2110 House Type (Plots 3, 4, 5 & 6) 2110/COL/D5
2324 House Type (Plots 27 & 36) 2324/COL/DS/01
2404 House Type (Plots 12,25 & 37) 2404/COL/DS/02
2507 House Type (Plot 1 & 34) 2507/COL/DS/01 - floor plans only
2507 House Type (Plots 1 & 34) 2507/COL/DS/02 – elevations only
Layout with Chimney plots annotated
Proposed Layout PL-02 Rev C

received 16th January 2017

2224 House Type - 2224/A00/DS (end terrace)
2308 House Type - 2308/A00/DS (slim detached)
2323 House Type – 2323/A00/DS (semi)
2426/A00/DS DETACHED
2502/A00/DS/OPP/01 (FLOOR PLANS OF DETACHED UNIT)
2508/A00/AS (DETACHED)
2509/A00/DS (detached)
Garages Single A00 GAR 01 (single garage with pitch roof)
Garages Double A00 GAR 02 (double garage with pitch roof)
Garages Pair A00 GAR 03 (double garages one with hipped and one with pitch)

Received 27th October 2016

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this approval.

Notes to Applicant

01

Nottinghamshire County Council as Highways Authority advise the following: The Advance Payment Code (Sections 119-120 Highways Act 1980) will apply. In order to be exempt from this, the following requirements should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of road signs indicating that the roads are private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the roads and what this will mean to them in practice;
- The provision of evidence that future maintenance of the roads has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;
- The boundary between the private roads and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The applicant's attention is drawn to those conditions on the decision notice and those contained on the outline consent which will also be of relevance, which where appropriate should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

04

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990 which accompanies the outline consent under planning reference 12/00895/OUTM.

05

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

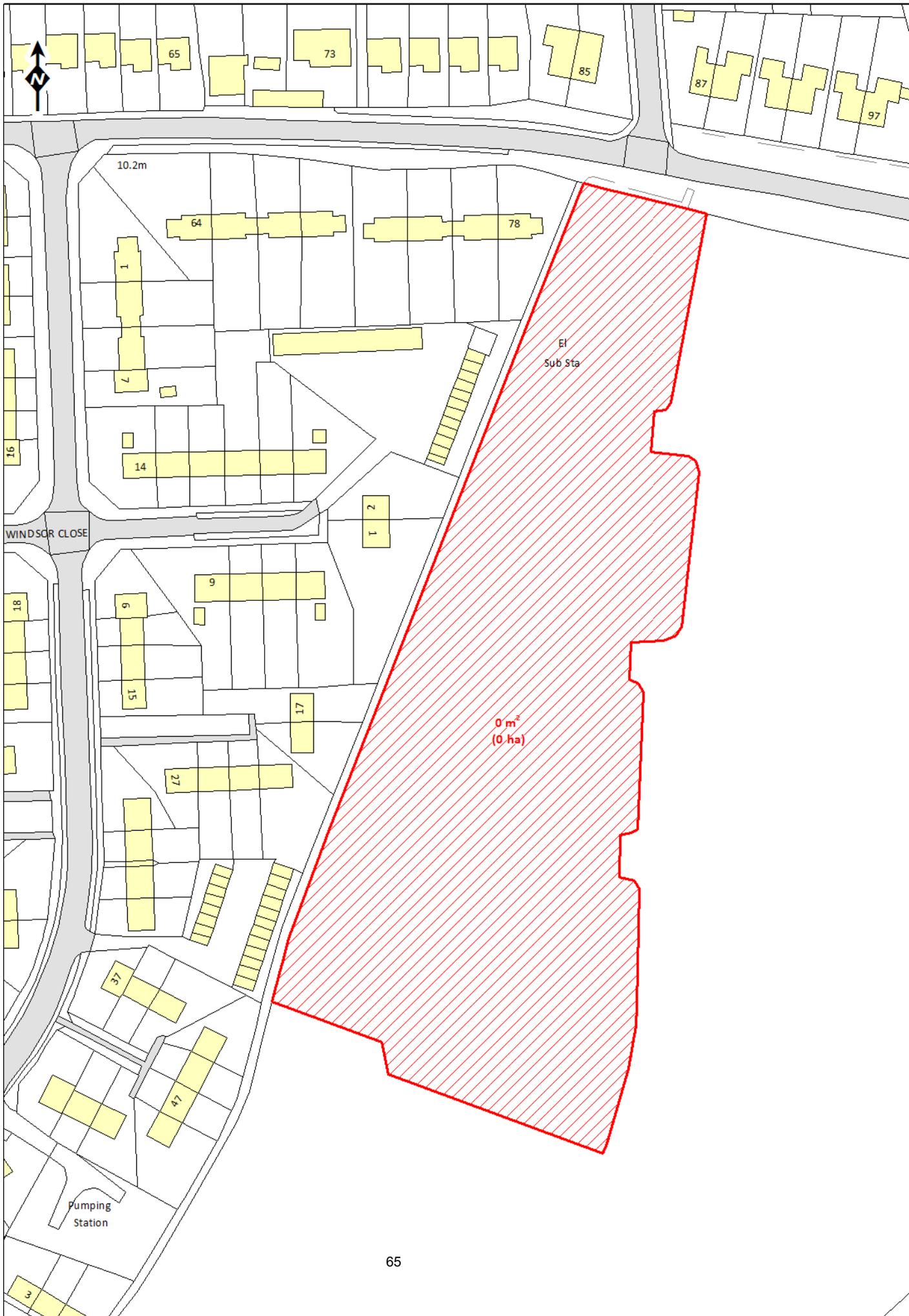
BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on extension 5834

K Cole
Deputy Chief Executive

Committee Plan - 16/01807/RMAM



ANTHONY ASPBURY ASSOCIATES LIMITED
20 PARK LANE BUSINESS CENTRE
PARK LANE
BASFORD
NOTTINGHAM
NG6 0DW

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Application For: Outline Planning Permission Major

NOTICE OF DECISION

Application No: 12/00895/OUTM

Applicant: BRAEMAR FARM DEVELOPMENT CO

Agent: ANTHONY ASPBURY ASSOCIATES LIMITED

Proposal: OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING UP TO 80 DWELLINGS (INCLUDING AFFORDABLE HOUSING) UP TO 60 CLASS C2 EXTRA-CARE UNITS, UP TO 0.75HA USE CLASS B1 (A) (B) & (C) EMPLOYMENT DEVELOPMENT; AND PUBLIC OPEN SPACES; TOGETHER WITH ASSOCIATED ROADS AND CAR PARKING, DRAINAGE, UTILITY SERVICES AND GREEN INFRASTRUCTURE, WITH VEHICULAR ACCESSES FROM STATION ROAD & SWINDERBY ROAD

Site Address: BRAEMAR FARM STATION ROAD COLLINGHAM NOTTINGHAMSHIRE

Newark and Sherwood District Council as Local Planning Authority in pursuance of their powers under the said legislation **APPLICATION PERMITTED OUTLINE PLANNING PERMISSION MAJOR** to the development described in the said application, subject to compliance with the condition imposed and the subsequent approval of all matters referred to in the conditions and for all the reasons set out below.

Conditions

01

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

02

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of seven years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

03

The development hereby approved shall be implemented in accordance with the Phasing Scheme (shown on drawing 134-A-06 Rev E) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

04

Details of the appearance, landscaping, layout and scale ('the reserved matters') for each phase of the development shall be submitted to and approved in writing by the local planning authority before development in that phase begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

05

Reserved matter submissions for any phase or any use shall be substantively in accordance with the Master Plan (reference number 134-A-07 Rev H) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

06

The development hereby permitted authorises the erection of no more than 80 dwellings (Use Class C3), no more than 60 Use Class C2 extra care units and not more than 0.75 hectares of Use Class B1(a) (b) and (c) employment land.

Reason: To define the planning permission and in line with the applicants submissions.

07

Any reserved matters application for any phase of the C2 units shall include full details of the associated supporting communal facilities and shall be accompanied by a detailed justification as to how the size, scale and disposition of the communal facilities are appropriate and commensurate for the overall size of the scheme. This shall also include details of how the space will be used giving priority to residents of the C2 units. The approved communal facilities shall be provided prior to first occupation of the C2 units or to another alternative timetable which shall be first agreed in writing with the Local Planning Authority. The communal uses approved shall be retained as such for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that there is adequate communal facilities to support the C2 units and that this is provided at appropriate points in the development.

08

The C2 units hereby approved shall contain no more than two bedrooms unless otherwise agreed in writing with the Local Planning Authority through a non-material amendment.

Reason: To define the permission and in order to retain the C2 as retirement homes (with the potential for a partner or carer to live in) with the provision of care.

09

No tree(s) on site shall be felled until a Bat Survey has been carried out of the tree(s) to be felled by a suitably qualified person or organisation to ascertain if there are any bats or bat roosts within the tree. The Bat Survey shall include a scheme of mitigation as necessary to re-locate any bats or roosts and shall be submitted to and approved in writing by the local planning authority as part of this Survey. The approved mitigation scheme shall be thereafter carried out in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: Some of the trees on site have the potential to support roosting bats and this condition is necessary to protect bats that may be roosting in the trees in accordance with the advice received from Nottinghamshire Wildlife Trust.

010

In the event that prior to the approval of any reserved matters application for any phase an alternative highway to Cross Lane is made available that links Swinderby Road with Station Road, then the reserved matters submission shall assess whether there is a justified need to provide a link road through the application site, giving due regard to the size and design of the alternative road and whether this could meet the aspirations of the Allocations policy Co/MU/1.

Reason: To provide the developer flexibility on the delivery of the link road through the site, should the requirement for a link road become superfluous.

011

Prior to commencement of any development on any phase pursuant to Condition 3, an up-to-date Reptile Survey and Mitigation Scheme (RSAMS) shall be carried out on site by a suitably qualified person or organisation to establish the impacts upon any reptiles on site and any mitigation measures necessary to protect them from harm. The RSAMS shall be submitted to the Local Planning Authority for approval and shall include a timetable for any mitigation work that is required. The approved development shall thereafter be carried out in accordance with the approved scheme.

Reason: In order to afford adequate protection to Reptiles that may be utilising the site and in line with the recommendations of the Ecologist report that accompanies the planning application.

012

No development shall be commenced on any phase pursuant to Condition 3 unless detailed measures to mitigate harmful impacts to Great Crested Newts occupying/foraging on the site have been submitted to and agreed in writing by the Local Planning Authority. The approved mitigation scheme shall be fully implemented to an agreed timetable prior to works commencing on site.

Reason: In order to ensure adequate protection is given to Great Crested Newts, a protected species that has been found in the vicinity of the site.

013

Prior to commencement of any phase pursuant to Condition 3, a repeat Badger Survey and Mitigation Scheme (BSAMS) shall be carried out on site by a suitably qualified person or organisation to establish the impacts upon any badgers on site and any mitigation measures necessary to protect them from harm. The BSAMS shall be submitted to the Local Planning Authority for approval and shall include a timetable for any mitigation works that is required. The approved development shall thereafter be carried out in accordance with the approved scheme.

Reason: In order to afford adequate protection to badgers that may be utilising the site and in line with the recommendations of the Ecologist report that accompanies the planning application.

014

No development on any phase pursuant to condition 3 shall take place within the application site until details of an archaeological scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

015

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference: MT/NWK/VRG/1102V4 prepared by Morgan Tucker Consulting Engineers in January 2014 and the Hydraulic Modelling Study (HMS) report reference: 2014s1040 Braemar Farm - Final v1.0.doc prepared by JBA Consulting in May 2014:

1. Internal finished floor levels shall be set no lower than 10.19m Above Ordnance Datum (mAOD) as recommended in section 4.7 of the approved HMS.
2. A minimum of an 9m wide unobstructed easement from the top embankment of any minor watercourses/drains including the re-routing of existing drainage ditch shall be incorporated within the proposed development as shown on the Site Master plan Overview drawing reference 134-A-04 - Rev F, (unless otherwise agreed with the Trent Valley Internal Drainage Board and the Lead Local Flood Authority).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason(s)

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To allow for future maintenance of the watercourses/drains.

016

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Highways Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.

Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the Greenfield runoff rates for the site.

Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure its long term operation at the designed parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

017

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of surface water pollution.

018

No development shall be commenced for any phase pursuant to Condition 3 until full details of the parking and turning facilities, internal access road details including alignments, widths, surfacing, visibility splays, street lighting, structures, and drainage have been submitted to and approved in writing by the Local Planning Authority (LPA). All details submitted to the LPA for approval shall comply with the Highway Authority's 6C's Design Guide (or equivalent at the time of submission) and shall be implemented as approved. Details shall include design measures to deter extraneous traffic from using any link road between Station Road and Swinderby Road, and to minimise development-generated traffic using the High Street/Swinderby Road junction.

Reason: In the interests of highway and pedestrian safety, and to ensure the development is constructed to adoptable standards.

019

No part of the development for any phase pursuant to Condition 3 shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel

020

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on any phase pursuant to Condition 3 until parts 1 to 4 (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

021

No development shall be commenced for any phase pursuant to Condition 3 until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in line with the CP12 of the Development Plan and the advice contained in the NPPF.

022

No part of the development for any phase pursuant to Condition 3 shall be commenced until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of foul sewage disposal.

023

Any trees/shrubs within the Strategic Landscape Buffer already in situ (and as shown on drawing number 134-A-10 received 20th November 2014, which, within a period of five years of the date of the consent die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

024

No part of the development shall become occupied unless or until traffic signal control improvements (i.e. MOVA or its equivalent) have been made to the Station Road/High Street/Bell Lane junction to the satisfaction of the Local Planning Authority.

Reason: In the interests of protecting highway capacity and reducing traffic queuing and delays resulting from the development.

025

No part of the development shall be commenced until details of the Sustainable Drainage system have been submitted to and approved in writing by the LPA. Such details shall include maintenance arrangements for the life of the system; provide rights to discharge surface water run-off from the public highway, and; access rights for the Highway Authority.

Reason: To avoid the risk of flooding of the public highway.

026

The development hereby permitted shall not be carried out except in accordance with the following approved plans, references Site Master Plan Phasing 134-A-06 Rev E Site Master Plan Phasing 134-A-07 Rev H, Site Location Plan 134-A-05 (01/06/2012) Site Plan Indicating Rerooting of Drainage Ditches 134-A-04 - Rev F (for the purposes of drainage matters only) unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

Note to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

03

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

04

The Highways Authority advised that in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to arrange for works to be carried out by Nottinghamshire County Council on your behalf (or maybe enter into an agreement under Section 278 of the Act). Please contact D.Albans Tel 01623 520735 for further details.

05

The Environment Agency advises that they do not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

Any works in, over or under an 'ordinary watercourse' may require a Flood Defence Consent and therefore we recommend that you contact the Trent Valley Internal Drainage Board and the Lead Local Flood Authority at your earliest convenience to seek their approval

06

NSDC Environmental Health (Land Contamination) advise that an advisory booklet is available - "Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated". This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

Natural England
Block 6 & 7 Government Buildings
Chalfont Drive
Nottingham
NG8 3SN
Tel: 0115 929 1191
Fax: 0115 929 4886
Email: eastmidlands@naturalengland.org.uk

English Heritage
Ancient Monuments Inspector
44 Derngate
Northampton,
NN1 1UH
Tel: 01604 735400
Fax 01604 735401
E-mail: eastmidlands@english-heritage.org.uk

Heritage Planning Specialists
Nottinghamshire County Council
Trent Bridge House
Fox Road
West Bridgford
Nottingham
NG2 6BJ

Tel: +44 (0)115 977 2162

Fax: +44 (0)115 977 2418

E-mail: heritage@nottsc.gov.uk

to prevent damage or harm to the historic environment.

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - "The Protection of workers and the general public during the development of contaminated land".

07

Network Rail comments are attached for information .

08

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

09

A S106 Agreement (Planning Obligation) accompanies this permission. This controls the following matters:

- o Delivery of 30% affordable housing and timings of delivery;
- o Financial Contribution for Community Facilities to be paid upon first occupation of the 20th C3 dwelling;
- o Provision of minimum quantum of Public Open Space (not to include any of the flood mitigation land) to be provided prior to first occupation of the 20th C3 dwelling plus maintenance arrangements;
- o Provision of minimum quantum of Community Gardens/Allotments, triggers for provision of 0.1ha upon occupation of 40th C3 dwelling with 0.05ha triggered prior to first occupation of 10th C2 unit and maintenance arrangements;
- o Definition of C2 extra-care uses;
- o C2 units to be retained freehold by a management company and leases to be made available on long lease;
- o C2 uses will remain in perpetuity with any change of use needing express permission;
- o C2 units to be occupied by at least one person over 60 years of age or their widow, widower (or recognised co-habitee, main carer or dependant)
- o Range of care packages to be agreed with LPA and then made available to residents of C2 units for the lifetime of the development with any revisions to the care packages to be agreed with the LPA.

010

The applicant is advised that the proposed phasing plan reference 134-A-06 Rev F is likely to be considered acceptable to the Local Planning Authority if formally submitted in order to discharge Condition 3 of this consent.

Discharge of Conditions

Please note the Discharge of Condition will now incur a fee of £28.00 for householder applications (per submission) and £97.00 all other category applications (per submission). The service normally has 8 weeks to respond to each request from date of receipt.

A copy of the decision notice and the officer/committee report are available to view on the Council's website.

Date: 11 August 2016

Authorised Officer on behalf of Planning Services,
Newark and Sherwood District Council

Note: Attention is drawn to the Notices Attached

Grant of Planning Permission

Application No: 12/00895/OUTM

APPROVAL OF DETAILS (RESERVED MATTERS)

Applicants who receive an approval of details, known as “reserved matters”, under a previous outline permission are reminded of the requirements as to commencement of the development within the time specified in the conditions attached to the outline permission and to ensure that any other conditions attached to that outline permission are complied with.

IMPORTANT NOTE: THIS PERMISSION REFERS ONLY TO THAT REQUIRED UNDER THE TOWN AND COUNTRY PLANNING ACTS AND DOES NOT INCLUDE ANY CONSENT OR APPROVAL UNDER ANY OTHER ENACTMENT, BYELAW, ORDER OR REGULATION, INCLUDING THE PASSING OF PLANS FOR THE PURPOSE OF THE BUILDING REGULATIONS WHICH REQUIRES ADDITIONAL APPROVAL AND A SEPARATE APPLICATION MUST BE SUBMITTED.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, he may appeal to The Planning Inspectorate, in accordance with Section 78 of the Town and Country Planning Act 1990, within SIX MONTHS of the date of this decision. The Planning Inspectorate has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. You must use a **Planning Appeal Form or Householder Appeal Form** when making your appeal which is obtainable from The Planning Inspectorate Room 3/15A Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN. If requesting forms from the Planning Inspectorate, please state the appeal form you require.

The Planning Inspectorate is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise that subject to the conditions imposed by them, having regard to the statutory requirements (*), to the provisions of the development order and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

(*) The statutory requirements are those set out in Section 79 (6) of the Town and Country Planning Act 1990, namely Sections 70 and 72 (1) of the Act.

2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by The Planning Inspectorate and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted he may serve on the Council of the District in which the land is situated, a purchase notice requiring the council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by The Planning Inspectorate on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Notes for Minor Amendments

Application No: 12/00895/OUTM

If you wish to make alterations to a scheme after it has been granted planning approval, some minor changes to approved plans can be dealt with under an amended plan procedure. If this is an option you wish to pursue, the relevant application forms entitled "Application for a non-material amendment following a grant of planning permission" should be completed and returned to us along with scaled plans showing the proposed amendments and a fee of £28 for householder applications and £195 for all other applications. The form can be downloaded from the planning portal at www.planningportal.gov.uk or alternatively, if you do not have access to the internet, please telephone our Customer Services on 01636 650000 who can arrange for a set to be posted to you. Guidance notes on how to complete these forms can also be found on the Planning Portal website.

We will in most cases accept the following as minor amendments to previously approved plans:

- Reduction in the volume/size of the building/extension
- Reduction in the height of the building/extension
- Amendments to windows/doors/openings that will not have any impact on neighbouring properties

However, this advice is given on an informal basis only and is therefore not binding on any future recommendation, which may be made to the Council or any formal decision by the Council.

We consider the following to normally take a development beyond the scope of the permission and will therefore require a fresh application to be submitted:

- Significant increase in the volume of the building/extension
- Significant increase in the height of the building/extension
- Changes which would conflict with a condition on the original approval
- Additional and/or repositioned windows/doors/openings that will have an impact on neighbouring properties
- Changes which would alter the description of development from the original application
- Amendments that would warrant re-consultation either of neighbours, council departments or statutory bodies

Application No:	16/01476/RMAM	
Proposal:	Reserved matters for Phase 1 comprising the new accesses to the highway, spine road, footpath, foul and surface water drainage and associated landscaping.	
Location:	Land adjoining Braemar Farm, Station Road, Collingham, Nottinghamshire	
Applicant:	Braemar Farm Development Company	
Registered:	16 September 2016	Target Date: 9 December 2016
	Extension of Time Agreed until 23.03.2017	

The Site

The site comprises the mixed used site allocation which comprises c7.02h hectares of land to the east of Collingham within the defined built up part of the village.

The site is situated between Station Road to the south and Swinderby Road to the north with the (Nottingham to Lincoln) railway line to the east. Modern dwellings and garage courts on Braemar Road flank the western boundary. Collingham's railway station (which is Grade II listed) is situated adjacent to the south-eastern corner of the site. A new station car park (erected under planning reference 13/00715/FUL) on the eastern side of the tracks opened late Summer 2014 which provides for a total of 61 parking spaces.

The application site itself is green field site which is relatively flat and is bound in the most part by hedgerows and mature trees. An existing landscape buffer comprising broadleaf native trees is planted alongside the railway line and is relatively mature. Aside from a line of semi-mature trees that runs in parallel to the Station Road and is broadly adjacent to Horseshoe Cottages to the west (planted as a community project by the applicant) the field has few features on the ground. South Collingham Drain (an open watercourse) runs the length of the western and northern site boundaries and Scaffold Drain is located along the north-eastern site boundary.

There are level crossings over the railway line on Station Road (to the southeast of the site), Cross Lane (to the east) and Swinderby Road (to the north-east). Cross Lane currently links Station Road with Swinderby Road although there is also a more convoluted route through the residential estate to the west of the site along Braemar Road. Station Road links to the A46 trunk road to the east.

Relevant Planning History

09/SCR/00007 – A Screening Opinion (under the Environmental Impact Assessment Regulations) was sought for a proposed residential led mixed use development (the

development that comprised 10/00685/OUTM) at this site. It was concluded that an EIA was not required.

10/00685/OUTM – An outline application for a mixed use village development at Braemar Farm was lodged in May 2010. This application comprised not less than 200 dwellings (including affordable and specialist retirement housing) not less than 1500m² of Use Class B1 (a) (b) & (c) employment development and Public Open Spaces; together with associated roads and car parking, drainage, service, renewable energy and green infrastructure, with vehicular accesses from Station Road and Swinderby Road. This application was withdrawn in June 2012.

12/00895/OUTM - Outline application for mixed use development comprising up to 80 dwellings (including affordable housing) up to 60 class C2 extra-care units, up to 0.75ha use class B1 (a) (b) & (c) employment development; and public open spaces; together with associated roads and car parking, drainage, utility services and green infrastructure, with vehicular accesses from Station Road & Swinderby Road. Approved 11/08/2016.

16/01807/RMAM – Construction of 40 residential dwellings with associated parking and infrastructure on land forming Phase 2 of the Braemar Farm development. Pending consideration.

The Proposal

This application seeks reserved matters approval in respect of Phase 1 which relates to the infrastructure phase. This includes the provision of new accesses to the highway, spine road, footpath, foul and surface water drainage and associated strategic landscaping.

The phasing plan submitted shows that phase 1 follows the route of the proposed spine road which would extend from Swinderby Road to the north through the site to Station Road to the south. This also extends across the site from adjacent to the garage court off Braemar Road to the west to the south-east.

The application is accompanied by a Phasing Plan, Biodiversity Survey, Arboricultural Report (updated/corrected version received 13/03/17), Arboricultural Risk Report, Biodiversity Survey and Report, Landscape Management Plan, Ecological Scoping Survey and Archaeological Mitigation Specification in addition to a range of planning drawings.

Departure/Public Advertisement Procedure

Occupiers of 28 neighbouring properties have been individually notified by letter. Sites notices have been displayed on site and an advert has been placed in the local press. Re-consultation has taken place following submission of amended plans.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 - Settlement Hierarchy

- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 6 – Shaping our Employment Profile`
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment
- Core Policy 13 – Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

- Policy Co/MU/1 – Collingham Mixed Use Site 1
- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM3 - Developer Contributions
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012 and its Technical Guidance
- National Planning Policy Guidance Suite, on-line resource (March 2014)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- Newark and Sherwood Greenspace Strategy, March 2010
- Greenspace Provision Improvement Plan for Collingham and Meering

Consultations

Collingham Parish Council – Object (23/09/17)

“The Parish Council considered this application at its meeting on 22 September 2016.

The PC were disappointed to note that all of the issues raised at the outline planning stage have not been addressed. As such the original objections to this development remain valid.

The Parish Council would like the opportunity to meet with the developers to discuss the proposals, before this application progresses any further,

The issues identified are:

Drainage and the drainage ditch which do not appear to be suitable attenuation for the location. Has consideration been given to SUDs? Please refer to the specific comments submitted at the outline planning stage.

The Through Road shown should be requested at outline planning and should not permit the through movement of traffic. This road will become a rat run to avoid the already congested Braemar Road or Cross Lane and the Level Crossing, especially as it is a direct link between Station Road and Swinderby Road. There is no objection to pedestrian and cycle through movements.

General comments made at outline stage also remain valid with relation to sewerage, the capacity at the school and the medical centre.

Finally concern has also been raised that the proposals appear to show an access, via the existing garages on Braemar Road although no details are included of whether this may include the provision of additional houses.”

Nottinghamshire County Council (Highways Authority) – Comments on the receipt of amended plans/additional information will be provided as a late item to Committee. However they have verbally confirmed there will be no highway objection to the scheme.

Previous formal comments, 04/10/16 -

“This proposal is difficult to assess without also seeing plans of building positions and driveways etc. which may offer potential challenges to the realisation of scheme that is fully functional at the same time as being aesthetically and environmentally pleasing in planning terms. For instance, one reason for having the ‘displaced’ alignment of the road near the northern end of the site is to try and deter rat running by providing an arrangement whereby a through route is not visible. This would depend on building positions as well as road alignment. Also driveways would have an impact on the appearance of the drainage ditch unless no frontage development will be served from the eastern side of the spine road. I acknowledge some (few) driveways are shown but would like confirmation that others are not expected.

The employment parcel of land should be served by a 6m wide carriageway; not 5.5m as shown. Perhaps it could be argued that this width of road be provided from Station Road only to the employment site.

To assess the ‘displaced’ alignment of the road, refuse vehicle swept path diagrams should be provided (vehicle length 10.85 metres; wheelbase 5.3 metres) to ensure safe and appropriate passage though the bends is possible, bearing in mind any potential on street parking.

The adoptable footways should stand alongside other parts of the adoptable highway; not separated by the ditch.

Footways should be adjacent to the carriageway to allow pedestrians to cross the carriageway freely and easily. Alternatively, regular hard-paved pedestrian crossing points should be provided.

A footway should run the whole length of the spine road on both sides and meet up with a 2m wide footway (new or improved) along the whole site frontage on both Swinderby Road and Station Road.

The phasing plan shows phase 1 including pedestrian links to the Rail station and to the Braemar Road area, but no details of these appears to have been provided.

Traffic calming details may need further discussion and clarification as part of a Section 38 highways adoption agreement, but the applicant should be made aware that block paved areas, and grass verges incidentally, shall require commuted maintenance sums to be paid.

Until further information to address the above points satisfactorily is provided, I would wish to submit a holding objection.”

Nottinghamshire County Council (Lead Flood Risk Authority) – “Our understanding is that the EA are commenting on surface water issues for this site following outline permission 12/00895/OUTM and their comments should be sought.”

Nottinghamshire Wildlife Trust – No comments to make.

Environment Agency – 05/10/16: ‘Based on the information submitted, we have no objection to the reserved matters application relating to the Access, Appearance, Landscaping, Layout and Scale (for phase one only) of the planning application, planning reference: 12/00895/OUT.’

07/03/17: ‘The Environment Agency has no further comments to make and our original response sent on the 5th October 2016 still applies.’

Trent Valley Internal Drainage Board – 10/03/17 – “The site is within the Trent Valley Internal Drainage Board district.

The Board maintained South Collingham Drain is an open watercourse, exists on the western and norther site boundaries to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. It is intended this watercourse will be diverted through the centre of the site.

Following further information received, the Board is in a position to remove the objection dated 13th October 2016, subject to the following;

- **The 6 metre maintenance easement shall have a maximum gradient of 1:60 to ensure safe working for the Boards machinery.**
- **The maximum surface water discharge permitted by the Board shall be 3 litres per second per hectare.**

The Board’s consent is required to erect any building or structure (including wall and fences), whether temporary or permanent, or plant any tree, shruc, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board’s consent is required for any works, whether temporary or permanent, in, over or under any Board maintained watercourse or culvert.

The erection or alteration of any mill dam, weir or other like obstruction to the flow or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

Any planting undertaken at the site must be carried out in such a way to ensure that the planting does not encroach within 9 metres of any Board maintained watercourse when fully matured.'

17/10/16

"The Board object to the reserved matters application pending further information and amendments to the information currently submitted as detailed below.

The site is within the Board's district and the Board maintained South Collingham Drain is currently located along the western and northern site boundaries. The developer proposes to divert this watercourse through the centre of the site.

Future access to the watercourse along the proposed route is a major concern for the Board. The current layout cannot be supported at present as the proposed access would require the Board to operate heavy machinery either on the Highway or on a footpath, as indicated in submitted Drawing No. *Ma10049 / 607 - Proposed External Works Construction Details - Carriageway / footpath / swale section through main spine road.*

In order to design out constraints to future maintenance it is required that suitable access to the watercourse is provided for heavy machinery. The drawings currently submitted should be updated to clearly show how the watercourse is to be accessed over its full length through the site.

No details relating to the sizing of the attenuation ponds or proposed discharge rates appear to have been submitted as part of this application. A revised Drainage Strategy, which demonstrates that run off from the site is restricted to the greenfield rate, should therefore be submitted to support the drainage design. The Drainage Strategy must be to the satisfaction of the Lead Local Flood Authority and Local Planning Authority. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

Furthermore, it is the Board's understanding that it is the developers intention to install a French Drain along the western boundary of the development to provide a drainage cut off between new and existing development. Whilst this approach is welcomed this drainage element should be included in the site drainage scheme.

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or culvert

The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, within the channel of a riparian watercourse will require the Board's prior written consent.

If you should require any further information please do not hesitate to contact the Board."

Severn Trent Water – (03/03/17):

"Thank you for your consultation with regards to the application above. Having reviewed our sewer records and the enclosures provided, I can confirm the condition can be discharged. Foul is proposed to connect into the public sewer, which would require a section 106 sewer connection approval. Surface water to connect into a watercourse, for which we have no comment."

NCC Archaeologist – "Thank you for consulting me on the specification for the archaeological strip, map and sample work which has been submitted in respect of the condition on the planning consent. I have read the specification. I am content with what is proposed, and am pleased to say it meets the first part of the planning condition. I therefore recommend partial discharge of the condition. The condition should not be fully discharged until the work has been fully implemented to your satisfaction, and a final report submitted."

NSDC Environmental Health – 'No observations in relation to contaminated land.'

A representation from one local resident has been received, summarised as follows:

- Single spine road is inadequate for the village.
- Concern about mooted closure of Cross Lane and impacts overwhelming the proposed route
- Code for sustainable homes has been scrapped and current improved standard should be used
- Concern that works have already started and question why letters have not been sent out and impact this has had already on the environment
- Trees have been removed – has a bat survey been carried out?
- Errors in Landscape Management Plan submitted and concerns that it is out of date

- Arboricultural report is out of date
- Request to take into account comments made to outline permission from 2012

Comments of the Business Manager

Background and Context

Members resolved to approve the outline application for this mixed use site allocation at its Planning Committee in December 2014 in accordance with the officer recommendation. Lengthy delays followed relating to the signing and sealing of the Section 106 Agreement which was eventually executed in August 2016 with planning permission being issued on 11th August 2016.

The Principle

The principle of the development is now established through the granting of the outline consent with the means of access being the only matter that was considered and ultimately approved. The principle of the uses and the parameters and general disposition of uses are therefore established and need not be considered further in any detail.

Only reserved matters including the detailed design of the infrastructure that forms phase 1 is open for consideration in terms of its appearance, landscaping, layout and scale.

Highway Matters

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

At the outline stage the points of vehicular access into the site were fixed on Station and Swinderby Road(s) and the principle and quantum of development was also established. This accorded with site specific policy Co/MU/1 which states that development on the site is subject to *'Provision of access points off both Station Road and Swinderby Road, linked by vehicular access through the site suitable to accommodate the vehicle movements associated with the sites development and established farm traffic in the area...'* A proposed link road is also annotated on the accompanying Proposal Map 4.

As has been previously rehearsed this policy was drafted in the knowledge that Network Rail plan to close the railway crossing at Cross Lane. As in this event it would render Swinderby Road a cul-de-sac, the policy sought to provide an alternative route for traffic (including farm vehicles) to continue to allow movement at this eastern part of the village rather than direct all traffic back onto High Street and back onto Station Road. The County Highway Authority raised no objection to this approach at Allocation stage nor at outline application stage. Indeed there has been no announcement from Network Rail as to whether/when/if their plans will take effect.

At the outline stage opinion on the link road through the development site was mixed. The Highways Authority expressed some reservations regarding the link road (a view echoed by

some residents) and stated that notwithstanding the submitted details, design measures should be employed to deter traffic from being able to travel through the site to deter 'rat-running'. They stated that such measures would also ensure that development-generated traffic entering High Street from Swinderby Road was minimised because of the poor visibility at this junction. They also advised that simple traffic calming measures were unlikely to be sufficient to deter through traffic. They went on to say that 'careful consideration of this area is required and it may be appropriate to have the access leading to Station Road and the one leading to Swinderby Road misaligned at the point where traffic is to be deterred to provide chicanes and/or priority measures'.

The outline permission was approved with the spine road being shown as a full link road through the site, albeit a condition was imposed that allows the applicant the ability to reconsider if it is a full link road is still required in the event that an alternative highway to Cross Lane is made available that links Swinderby Road with Station Road. That has not happened.

The Reserved Matters submissions:

The Highways Authority (HA) initially raised a holding objection to the application on the basis that further information was required, which has now been provided. The HA have confirmed verbally that the principle of the scheme is acceptable and they are currently fine tuning the details in order to align the scheme with the Section 38 Proposals that has also been submitted to them. Their formal comments including highway conditions will be provided as a late item and will be reported to Members as such.

The spine road will be adopted by the Highways Authority as will the footpath. On the eastern side this will not be directly adjacent to the roadside but will run parallel with an intervening SUDs feature (swale) verge and ditch. These ditches however are shallow (c0.3m in depth) and are unlikely to pose a safety danger to users of the footpath. In any event the Highways Authority have indicated that prior to adoption they would undertake a safety audit and install a barrier if they felt it was warranted.

Subject to the Highway Authority confirming their removal of objection and the imposition of conditions that meet the necessary tests, the scheme will have demonstrated that it meets with the expectations of SP7, Co/MU/1 and DM5 in this regard.

Flood Risk/Hydrology

The site lies in flood zone 1, which is at lowest risk of flooding. However as the site represents development of over 1 hectare, a Flood Risk Assessment (FRA) was prepared and its contents were conditioned as part of the outline consent. Conditions (no.16 & 25) also required the submission of a detailed surface water drainage scheme for the site. A detailed surface and foul water drainage strategy has accompanied this application and has been based on the approved FRA. This has been prepared in consultation with the relevant drainage bodies including the TVIDB, the EA and STW. It should be noted that given the EA had the responsibility of commenting on surface water disposal at the outline stage as opposed to the LLFRA, this has remained the case for the reserved matters for the sake of continuity.

The strategy is based around the diversion of an existing watercourse (The South Collingham Drain (SCD)) from the western boundary to the centre of the development and alongside the spine road with water from the development running into this diverted water course at a controlled rate. Temporary storage is required in the forms of a SUDs basin (shallow which would only hold water at certain times such as in an extreme rainfall event) which would be located in the centre of the site. The use of permeable block paving is also proposed along the spine road and within the wider site (includes Phase 2). The surface water infrastructure would be adopted and maintained by a private management company. The Environment Agency has confirmed it has no objections to the scheme and TVIDB have also removed their initial objection. I am therefore satisfied that the surface water discharge has been satisfactorily addressed by this application.

The foul drainage will flow towards an adoptable water pumping station to be positioned within the southern half of the site and the Strategy suggests that STW have confirmed to them that there is sufficient capacity within their network to accommodate the additional volumes arising from the development. This is implicit by STW's consultation response that states that the submissions also satisfy the foul drainage condition (No. 22) of the outline.

Ecology, Trees and Landscape

Updated ecological information has been submitted with this reserved matters application in line with requirements of some of the ecological pre-commencement conditions.

Previously the Ecological Survey (by Lapwing in 2010) appeared to reveal that Great Crested Newts (GCN) were present in a pond within a garden approximately 90m from the nearest point of the proposed development site and linked to it by a ditch. Based on the Natural England Newt Mitigation Guidelines the newt population is considered to be at the upper limit of a small population. GCN are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Habitat Directive and therefore their presence was considered a constraint to the proposed development. It was concluded that the development would lead to the loss of habitats used by GCN for foraging and sheltering, that a license from Natural England would be required in order for the development to proceed and appropriate mitigation and compensation would be required secured through Condition 12 of the outline consent. However a more up to date survey has been submitted which has found no evidence of GCN on site. The agent has indicated that this discrepancy has arisen because the garden pond that likely supported the GCN no longer exists. On this basis it appears that Condition 12 of the outline consent is not relevant to this particular phase.

At outline stage it was established that the site has potential to support foraging and sheltering reptiles and that a reptile survey would need to be undertaken (during the periods April-June and September-mid October in order to establish what, if any impacts the scheme would have upon reptiles. This was secured through Condition 11. I note a survey of the site was conducted in May 2015 and that no evidence was found of reptiles and concluded that no mitigation was required in respect of Phase 1 and therefore C11 of the outline consent for phase 1 is discharged.

An Arboricultural Survey has been submitted with the application that looks at the whole site and identifies 67 individual trees and 34 groups of trees within the site, only one of which is a 'A' graded tree and 26 being 'B' graded trees plus one important hedgerow. These are mainly located around the periphery of the wider site. The survey identifies a relatively

low number of trees that would be removed from mainly the central area and from the site frontages all of which have relatively low amenity value. The survey confirms that a visually significant mature ash tree has already been removed from the northern boundary as it had structural defects and damage caused by an existing drain. The Survey identifies trees to be retained and in this regard shows that the most important specimens are protected with fencing during construction. I consider that this is acceptable and this should be conditioned accordingly. The Arboricultural Survey did initially contain some errors in that it did not correlate with the plans (by Influence) in respect of which trees are to be removed. However the agent has confirmed the plans are correct and has re-issued a corrected version of the Survey. In any event the information is satisfactory to enable me to come to a view on the acceptability of the proposals and I have concluded that the impact on trees and hedgerows is acceptable subject to mitigation in the form of protective tree fencing to existing trees to be retained and through landscape enhancement to replace and gap up where appropriate.

At outline stage some trees were identified as having some features with the potential support roosting bats and any trees to be felled required further surveying in order to assess likely impacts and any mitigation required. This was controlled by Condition 9 of the outline consent. As part of this phase, a number of trees need to be felled which have been identified as having bat roost potential and a statement from Hillier Ecology Ltd has been prepared. This concludes that the potential for bat roosts is not as great as previously thought and that felling may proceed if it's before the end of February and beyond that a further assessment will be necessary to ensure breeding birds are not affected which can be controlled by condition. It recommends that bat boxes are installed on retained trees at not less than 2m in height which is covered by Condition 9 of the outline consent.

Condition 13 of the outline permission required that a repeat badger survey be undertaken to establish likely impacts and mitigation required. I note that the site has been surveyed recently for badger setts (which are a transient species) and there was no evidence of badgers using the site recorded during the survey. On this basis I consider that Condition 13 has been satisfied in respect of Phase 1 and no further action is required.

The layout of Phase 1 is linear in its form and it was always expected that the ecological importance such as hedgerows and mature trees would be retained where possible in order to provide habitat corridors thus reducing the loss of biodiversity and assist in the development appearing established. Soft landscaping plans have been submitted which show the use of wildflower seeding adjacent to the SWALE and the planting of new hedgerows along parts of the spine road. Two options were shown on this and the agent has now confirmed that Option B is the preferred option and has indeed the hedge facing onto Station Road was planted in Spring 2016 prior to the start of the nesting season comprising 233 plants. The vast majority of the planting are native genetic origin that reflects the East Nottinghamshire Sandlands Landscape Character Area which I consider is acceptable. The implementation of this landscaping scheme would be controlled by condition.

Ecological enhancements for this phase are proposed with the agent confirming that 4 No Bat boxes will be installed, located within existing tree No's T56, T5, T80 & T81, two of which are located within Hedge line G54/G58 and two along the edge of the existing drain off Station Road. The Boxes will be 'Schwegler 2F-DFP' and be located between 3.000m and 6.000m above ground level. This is acceptable and effectively discharged the requirement of Condition 21 in respect of this phase.

A draft Landscape Management Plan has been provided with this application. Whilst this is good starting point, there is not sufficient information within this to effectively discharge the S106 requirement in terms of maintenance of the landscape and public open space areas within Phase 1, for example details such as how often areas will be mown and leaf clearance undertaken have not been specified. This however need not be approved in order for this reserved matters application to be approved.

Overall I am satisfied that the infrastructure phase would comply with CP12 and DM7 of the Development Plan.

Land Contamination

Condition 20 of the outline permission comprised a condition that seeks to deal with land contamination following a Phase 1 Environmental Site Assessment of the site. In respect of the infrastructure phase, these were not identified as being exposed to contaminants and the agent for the application has advised that there is no further work necessary in respect of this for this phase. This is agreed by our Environmental Health Officer and no further action is necessary in respect of Phase 1 in relation to land contamination and the condition is thus partially discharged.

Archaeology

In order to deal with the sites archaeology interest as per Policies Co/MU/1, CP14 and DM9, a condition was imposed at outline stage that does not allow development to be commenced until a scheme of archaeological mitigation was submitted to and approved in writing by the LPA. As part of this reserved matters application in respect of Phase 1 an overarching scheme for the specification for an archaeological strip, map and sample work has been submitted for the entire site which the County Archaeologist has commented upon. She has confirmed that they are satisfied that the pre-commencement element of the condition has been met. It remains that the scheme should be implemented and a final report be submitted in due course. The scheme has therefore partially discharged Condition 14 of the outline consent and works can begin without further reference to the LPA in respect of archaeology.

Conclusion

The application for the infrastructure phase of the development has been agreed in principle by the Highways Authority, with comments on the finer detail expected shortly after this report goes to print. The EA, TVIDB and STW have confirmed their acceptance of the drainage strategy, with the scheme having prepared in discussions with the drainage bodies/providers. No other harmful impacts have been identified as set out within the report and therefore the recommendation is for approval subject to confirmation being received from the Highways Authority that their previous comments have been addressed.

RECOMMENDATION

It should be noted that conditions imposed at outline stage will still apply unless they are not relevant, have been discharged or have been dealt with as part of the reserved matters process.

That reserved matters approval is approved subject to the conditions shown below AND any reasonable conditions as requested by the Highways Authority.

01

No development shall be commenced until the trees and hedges shown to be retained on the approved drawings have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crownsread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

02

No tree/vegetation removal shall take place during bird-breeding season, which runs from March to September (inclusive) unless a nesting-bird survey is carried out by a suitably qualified ecologist prior to works going ahead and evidence of this has been recorded and submitted to and agreed in writing by the local planning authority. If active nests are found then the vegetation clearance works would be delayed until all chicks have fledged unless otherwise adequate mitigation has been first agreed in writing by the Local Planning Authority.

Reason: To prevent adverse impacts to any nests present and in line with the recommendations of the supporting ecological information.

03

The approved landscaping shown on drawings 'Phase 1 Tree and Hedgerow Planting Proposals 1 of 2 (96)001 Rev D', 'Phase 1 Tree and Hedgerow Planting Proposals 2 of 2 (96)002 Rev A' and 'Phase 1 Planting Schedule Option B, NO341(100)002 (received 02/03/2017) shall be completed during the first planting season following the

commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

04

The development hereby permitted shall not be carried out except in accordance with the following approved plans, references

Site Master Plan Phasing 134-A-06 Rev F

Tree & Hedgerow Protection Demolition and Clearance Sheet 2 of 2, Ref: (03)003

Tree & Hedgerow Protection Demolition and Clearance Sheet 1 of 2, Ref: (03)002

Proposed Site Layout Showing Key Plan, MA10049/600 Rev B

Foul water pumping station elevations of enclosure, MA10049/202

Proposed External Works Construction Details, MA10049/607

Site Location Plan, A102 134

all received 8th September 2016, and the following drawings received on 21st February 2017:

Surface and Foul Water Drainage Strategy, MA 10049 DS R01, dated 6th February 2017

Typical Drainage Structures, MA 10049 208

Proposed Culvert Layout, MA 10049 209 (ALONG WESTERN BOUNDARY NEAR STATION RD)

Proposed Culvert Construction Details and Longitudinal Sections, MA 10049 210 Rev A

Drainage Key Plan MA 10049/211 Rev C

Complete Proposed Drainage Layout Sheet 1 of 3 Rev C, MA 10049/219-1

Complete Proposed Drainage Layout Sheet 2 of 3 Rev C, MA 10049/219-2

Complete Proposed Drainage Layout Sheet 3 of 3 Rev C, MA 10049/219-3

Pavement Layout Sheet 1 of 3, MA 10049/602-1 Rev E

Pavement Layout Sheet 2 of 3, MA 10049/602-2 Rev D

Pavement Layout Sheet 3 of 3, MA 10049/602-3 Rev D

Section 38 Plans Sheet 1 of 3, MA 10049/601-1, Rev E

Section 38 Plans Sheet 2 of 3, MA 10049/601-2, Rev E

Section 38 Plans Sheet 3 of 3, MA 10049/601-3, Rev D

Kerbing Layout Sheet 1 of 3, MA 10049/603-1, Rev F

Kerbing Layout Sheet 2 of 3, MA 10049/603-2, Rev F

Kerbing Layout Sheet 3 of 3, MA 10049/603-3, Rev F

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this approval.

Notes to Applicant

01

The applicant's attention is drawn to those conditions on the decision notice and those contained on the outline consent, some of which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990 which accompanies the outline consent under planning reference 12/00895/OUTM.

04

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

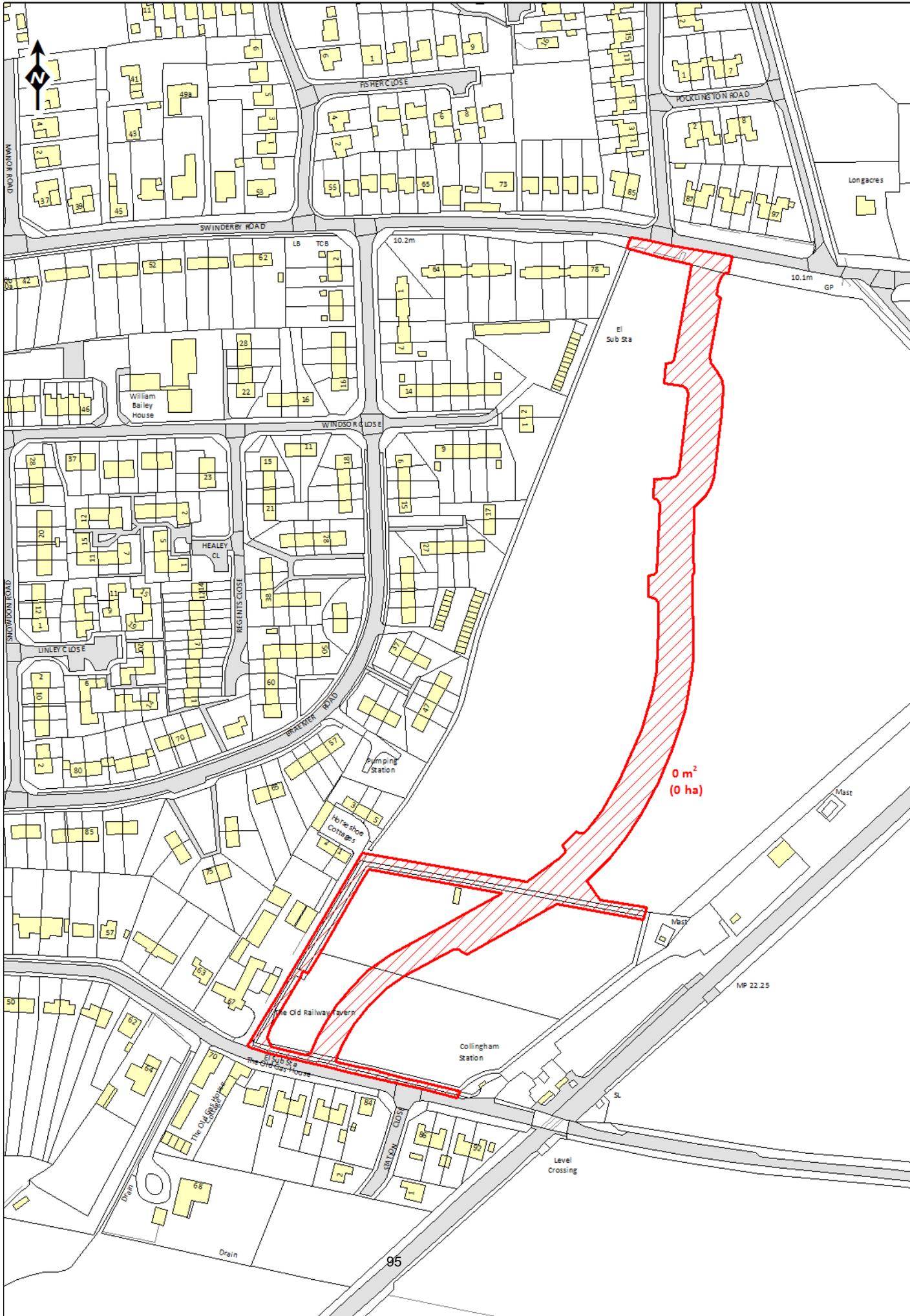
Application case file.

For further information, please contact Clare Walker on ext 5834.

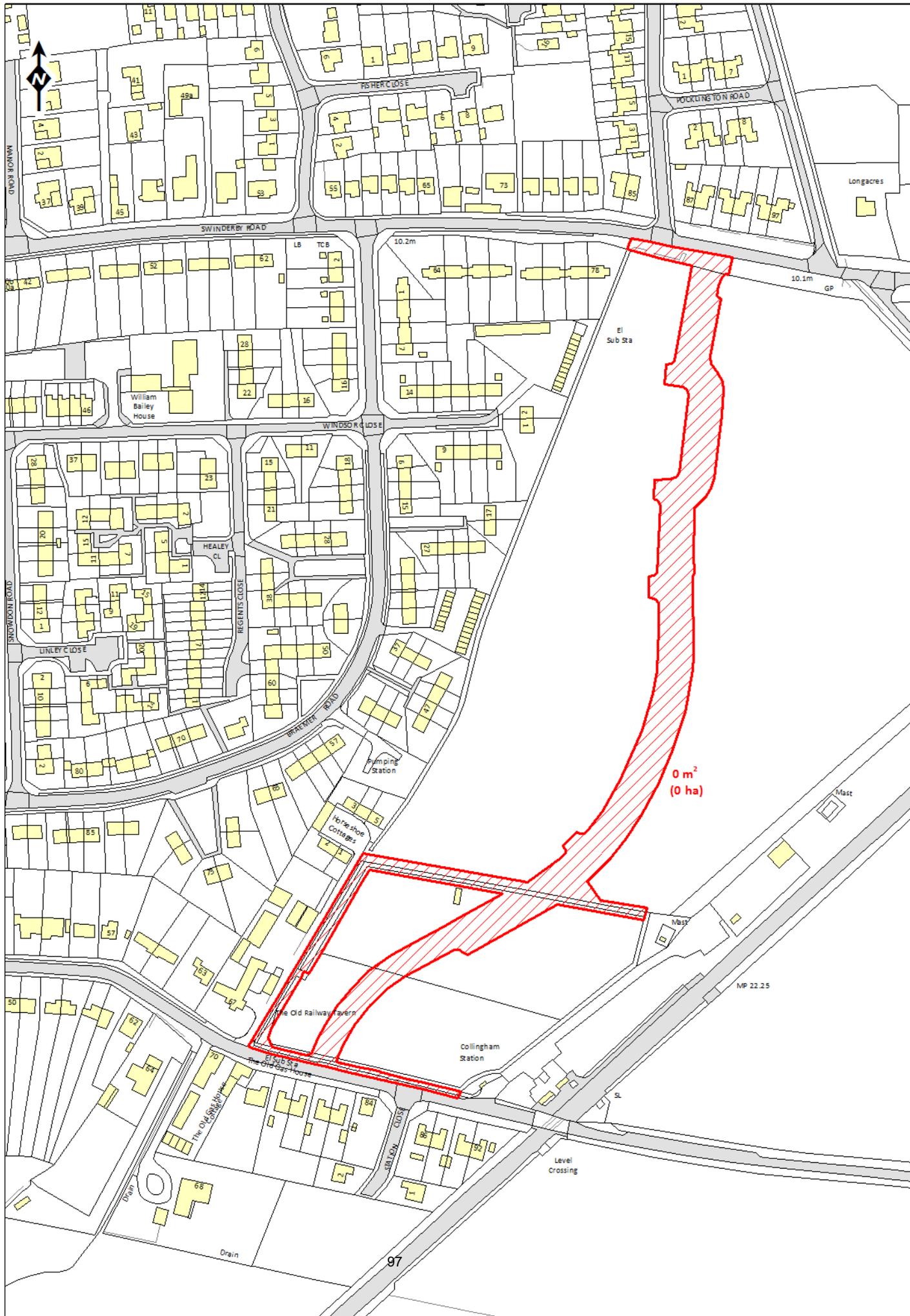
All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01476/RMAM



Committee Plan - 16/01476/RMAM



Application No:	15/01250/OUTM	
Proposal:	Development of brown-field site to construct road and 35 new houses	
Location:	Land to the Rear of Lowfield Cottages, Bowbridge Lane, Balderton	
Applicant:	Kenilworth Estates Ltd.	
Registered:	16.09.2015	Target Date: 16.12.2015
		Extension of time agreed in principle.

This application has been referred to Planning Committee for determination due to the officer recommendation being contrary to the comments of the Parish Council.

The Site and Surroundings

The application site comprises land on the east side of Bowbridge Lane and is located to the south and outside of the Newark Urban Area. The application site is irregular in shape and measures some 1.32 hectares. The strategic site 'Land South of Newark' which covers a large area to the south of Newark includes the site as 'green infrastructure' within the Core Strategy although the outline planning permission for the strategic site (planning application no.14/01978/OUTM) does not incorporate the land in this application and therefore the site is surplus to the development requirements of the strategic site and therefore sits within open countryside. Two storey terraced dwellings known as Lowfield Cottages adjoin the site to the north and rear with a two storey detached dwelling known as Lowfield House adjoining the site to the north east.

The site is currently characterised by soft landscaping including grass and scrub vegetation. The land has an industrial past including use as a plaster works, gypsum quarry, gasworks waste lagoon and scrapyard. The site was remediated for industrial purposes in 1993 and has remained vacant since, returning over time to its current more natural appearance.

A Local Wildlife Site is situated immediately to the east of the site on land at the Balderton dismantled railway with substantial areas of grassland and scrub which now has the Sustrans path. This land is currently being remodelled and a footbridge is being constructed as part of the approved development to construct the Southern Link Road which forms part of the planning permission relating to the strategic site. The nearest listed building is located some 317m to the south of the site at the Grade II listed ruin Gypsum Grinding Mill.

Relevant Planning History

10/00760/OUTM Erection of industrial unit (Extant Permission 07/00759/OUTM) – permission 16.07.2010

07/00759/OUTM Erection of industrial unit – permission 07.09.2007

04/00302/OUT Industrial unit – permission 24.06.2004

00/01079/OUT Construction of 25 light industrial units and convert existing bungalow to office use and create 192 car parking spaces – refused 20.01.2003

02/00193/OUT Residential development – refused 19.07.2002

97/50032/OUT Construction of 25 light industrial units and conversion of existing bungalow to office use and create 192 car park spaces – permission 20.10.1997

93/50027/CMA Waste to energy incineration plant for medical waste – decision by County 15.07.1994

93/50028/OUT Construction of 25 light industrial units and conversion of existing bungalow to office use and create 192 car parking spaces – permission 26.04.1994

93/50026/CMA Engineering and other operations to reclaim and reinstate land to render suitable for new development – decision by County 09.07.1993

03900956 Construct 25 light industrial units, convert bungalow to office, create 192 car parking spaces – permission 21.11.1990

03891392 Construct 41 light industrial units, 192 car parking spaces, convert bungalow to office use – refused 20.03.1990

03890435 Car repair and dismantling business – permission 22.06.1989

03881223 Construction of 16 no. light industrial units and associated car parking – permission 15.06.1989

03870529CM Retain two portable office units – decision by County 10.08.1987

03870002 Change of use of land for parking of HGV trailers and tractor units – refused 24.02.1987

03840954 Change of use of land for commercial vehicle dismantling and storage – refused 11.12.1984

03840134 Erection of tool shed/store, storage building and weighbridge – permission 21.09.1984

0381245 Use land for light industrial and warehouse development – permission 21.07.1981

0381244 Use land for scrap recovery and associated uses – refused 21.07.1981

038145 Temporary residential caravan – permission 30.06.1981

038144 Extension of scrap yard – permission 30.06.1981

038143 Bungalow – permission 30.06.1981

03791253 Amendment of permitted work hours – permission 24.04.1980

0380126 Bungalow and garage – permission 27.03.1980

03791202 Change of use of storage shed to vehicle repairs and maintenance – permission 15.01.1980

03791201 Residential chalet – permission 15.01.1980

0378826 Scrap Metal yard (extension) and security fence and storage shed – permission 15.08.1978

03771125 New office, mess room and toilet – permission 28.02.1978

0377917 Scrap Metal yard security fence – permission 03.12.1977

The Proposal

Outline planning permission is sought with all matters reserved for residential development of the site for 35 dwellings.

The Design and Access Statement accompanying the application confirms that a variety of forms and levels of accommodation would be provided including a single storey dwelling for people with disabilities.

Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 3 Rural Areas
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM8 Development in the Open Countryside
- Policy DM10 Pollution and Hazardous Materials

- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Consultations

Balderton Parish Council – ‘Object to the proposal. Members consider the area to be unsuitable for development owing to the area flooding and being so low lying. Land contamination is also a concern in that vicinity.’

Planning Policy – Planning Policy Context

National Planning Policy Framework

Confirms that the Framework has not changed the statutory status of the development plan which is the starting point for decision making, detailing that proposed development which accords with an up-to-date Local Plan should be approved, and that proposed development which conflicts should be refused unless other material considerations indicate otherwise.

In relation to housing the Framework requires Authorities to maintain a supply of specific deliverable sites to deliver a five year supply, as at 1st April 2014 the District has a supply of 6.83 years.

In terms of the location of future development the active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and the focussing of significant development in locations which are or can be made sustainable is a Core Planning Principle. This is supplemented by the emphasis on an integrated approach to considering the location of housing, economic uses and community facilities and services which the Framework holds as central to the promotion of healthy communities. Accordingly it is set out that local planning authorities should avoid new isolated homes in the countryside with rural housing being provided where it would enhance or maintain the vitality of rural communities unless special circumstances are demonstrated.

In terms of the consideration of brownfield land as part of decision making, provided that it is not of high environmental value then the Framework sets out that its effective re-use should be encouraged.

Development Plan

Core Strategy DPD

Spatial Policies 1&2:

In line with the approach to the location of future development and patterns of growth within the NPPF Spatial Policy 1 ‘Settlement Hierarchy’ identifies the settlements which are central to the delivery of the Councils spatial strategy and what their roles will be. Flowing from this Spatial Policy 2 ‘Spatial Distribution of Growth’ sets out the distribution of growth across the District’s settlements. Through this approach Newark Urban Area has been identified as the Sub-Regional

Centre with 70% of overall housing growth (9913 dwellings) to be accommodated by the settlement over the plan period (2006-2026).

NAP2A – Land South of Newark:

The site falls within the boundary of the Land South of Newark strategic site allocated through the Core Strategy with NAP2A 'Land South of Newark' setting out the policy approach for the site. In terms of the distribution of development across the site, indicatively illustrated in Figure 5, the Southern Link Road (SLR) provides the southern limit to the extent of residential development, whilst the new employment development is located to the south east of the residential element (south of the 'Jericho Works'). The site which pre-application advice is being sought on is located to the south of the SLR and is outside of both the residential and employment areas - in an area indicatively identified as 'green infrastructure'.

Spatial Policy 3 Rural Areas:

National planning policy seeks to locate rural housing where it would enhance or maintain the vitality of rural communities, accordingly Spatial Policy 3 'Rural Areas' sets out a detailed approach for dealing with proposals within the main built-up areas of villages. Proposals beyond these main built up areas, and outside of the Green Belt, are within the open countryside and the Spatial Policy details that development in such locations will be strictly controlled and restricted to uses requiring a rural setting. The Spatial Policy defers to Policy DM8 'Open Countryside' within the Allocations & Development Management DPD for the detailed consideration of such applications.

Allocations & Development Management DPD

Policy DM8 'Development in the Open Countryside':

Policy DM8 sets out that development in the open countryside will be strictly controlled. In the case of new housing development planning permission will only be granted where the dwellings are of exceptional quality or innovative design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.

Planning History

The site has a long planning history and was remediated around 20 years ago via a government grant. Subsequently there have been a number of planning permissions for industrial development none of which have been implemented. Over time the planning context of the area has changed significantly and the Council has allocated a strategic site which covers a large area to the south of Newark including the site. As was explained to the applicant on numerous occasions during the period that they had an extant permission, this allocation would not stop them from implementing their permission.

Subsequently the outline permission covering the site lapsed on the 16th July 2013 and Officers have met with a planning agent acting on behalf of the applicant on a number of instances, as I understand to discuss the potential for employment development. The applicant was advised that the formal pre-application process should be entered into for the District Council to provide a professional opinion on the likelihood of a positive response on the development of the site for employment purposes.

Land South of Newark now benefits from outline consent and I note that the land to the rear of Lowfield Cottages falls outside of the permissions extent.

Assessment

The site is located within the boundary for the Land South of Newark strategic site and is situated within the area indicatively identified for green infrastructure. I note that the strategic site is now subject to outline consent and that the boundary of the permission excludes land to the rear of Lowfield Cottages. However until such a time as reserved matters are agreed and the permission implemented it remains appropriate to consider the likely impact of any future application on the delivery of the strategic site in line with the policy objectives of NAP2A.

In my view given that the extent of Green Infrastructure (GI) shown on Figure 5 is indicative, the small size of the proposal relative to the overall level of GI broadly identified, the sites location towards the periphery of the strategic site boundary and that a suitable arrangement not requiring the land has been arrived at through the outline consent would lead me to conclude that the release of the land for an appropriate use, other than that envisaged through NAP2A, is unlikely to prejudice the delivery of the green infrastructure to support Land South of Newark.

Although the site is located within the boundary for Land South of Newark it is outside of the Urban Boundary for the Newark Urban Area, which is tightly defined around the proposed built form, and as a result is in planning policy terms within the open countryside.

As set out above national and local planning policy seeks to avoid the creation of new isolated dwellings in the open countryside, and in my view given its location the proposal would quite clearly result in this undesirable pattern of development. Indeed the position of the site in relation to the proposed route for the SLR would only serve to exacerbate the lack of connection with the Newark Urban Area. Whilst Policy DM8 would in some cases allow for new dwellings within the open countryside, where they are of exceptional quality or innovative design etc., this should by definition be an exceptional occurrence where the quality of the dwellings outweighs the harm from development taking place in what is an inherently less sustainable location.'

The above comments were made in September 2015 and went on to set out the housing supply position at that time. The current housing land supply position is set out in the appraisal later in this report.

Notts County Council (Archaeology) – No comments received.

Notts County Council (Highways) – 'This is an outline application with all matters reserved. It is not clear from the application plans whether the applicant is both aware of and has considered the impacts of the proposed Newark Southern Link Road and associated alterations proposed to Bowbridge Lane immediately adjacent to Lowfield Cottages and possibly impacting directly upon the proposed site access. It should also be noted that Bowbridge Lane to the south of the proposed access is to be closed to through traffic such that all vehicle access to the proposed development can only be gained in a northerly direction.

The first phase of the proposed Newark Southern Link road is currently under construction. The applicant will need to demonstrate how the proposed access arrangement can be satisfactorily accommodated with the alterations currently being made to Bowbridge Lane as part of the Newark Southern Link Road scheme. Equally the applicant will need to consider and report on the

vehicular access restrictions imposed by the closure of Bowbridge Lane to the south of the application site.

The visibility from the proposed access has not been shown on the site layout plan. The visibility splays should be demonstrated on the plan as being achievable within land within the applicant's control to ensure a safe access can be provided.'

Following the receipt of a plan showing the proposed access arrangements with visibility splays, the following further comments have been provided:

'The applicant/agent has now submitted drawing no. 05C, demonstrating the visibility splays on the proposed road layout of Bowbridge Lane, upon completion of the Newark Southern Link Road. These are acceptable to the Highway Authority.

It is assumed that the development is to be adopted by Notts. County Council, as Highway Authority. There is currently a grass verge in place along the site frontage and a footway is required to be provided to link up with Lowfield Cottages.

As this is an outline application with all matters reserved, there are no highway objections to this proposal subject to:

The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking/turning facilities, access widths, surfacing, street lighting and drainage (hereinafter referred to as reserved matters) in accordance with the County Council's current Highway Design Guide (6C's).'

Notts County Council (Flood Team) – 'Acceptable subject to conditions.

- 1 The following comments are based upon the source-path-receptor flood risk appraisal method to determine the potential flood risk both to and from a development.
- 2 The information submitted would appear to adequately address the flood risk on the site however we would ask that the following conditions be placed on any planning permission for the site.
 - 2.1 The development of the site is to be in general accordance with the flood risk assessment.
 - 2.2 The dwelling floor levels are to be 300mm above existing ground levels or the 100yr + climate change fluvial flood level whichever is the higher value.
 - 2.3 Any development within the flood plain that results in a loss of flood plain storage volume is to be balanced either on site (or nearby off-site) with an equivalent volume at a similar level.
 - 2.4 The surface water drainage system should manage all rainfall events on the site upto a 100year return period + 30% allowance for peak rainfall intensity increases due to climate change.
 - 2.5 The site drainage system for the development is to be modelled and demonstrate compliance with the following requirements:
 - 2.5.1 No surcharge during a 1 year event,
 - 2.5.2 No flooding during a 30 year event,
 - 2.5.3 No flooding off-site or to new dwellings on the site during a 100year + 30% climate change event.

2.5.4 Management of all exceedance flows during a 100year + 30% climate change event for durations from 15minutes to 24 hours. All exceedance flows should be directed away from the site boundaries and dwellings and towards the attenuation system.'

The County Council were consulted on the issue of the section of Bowbridge Lane at the access to the site being located within Flood Zone 2 but advised that given the issue related to flood evacuation, they were not the relevant body to provide advice.

Notts County Council (Education) – Can confirm that the proposed development of 35 units would yield an additional 7 primary and 6 secondary places.

Based on current projections, the primary schools are at capacity and cannot accommodate the additional 7 primary places arising from the proposed development on Bowbridge Lane, Balderton.

County Education therefore wish to seek an Education contribution of £80,185 (7 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

County Education assume that any requirement for secondary provision will be covered by CIL.

Notts County Council (Policy) – Comments can be summarised as follows:

County Planning Context

Waste

The proposed site was allocated for waste use in the Waste Local Plan (adopted 2002), however this has now lapsed. In terms of the Nottinghamshire and Nottingham Waste Local Plan: Part 1 – Waste Core Strategy (December 2013), there is a cluster of waste management uses to the south west of the site, but it is not considered that the proposed development would cause any concerns in terms of safeguarding these existing facilities (as per Policy WCS10).

As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

Minerals

The site lies within a Mineral Safeguarding and Consultation Area for gypsum (surface). In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these areas. Allocations in District Plans (see Local Planning Context) are excluded from the provisions of Policy DM13, provided that the mineral resource was considered during the allocation process. The County Council are unsure if this is the case in this instance.

The proposed site is surrounded to the east, west and south by historical gypsum workings and all current extraction lies further to the south at Bantycok Quarry. Current reserves are currently expected to be adequate until 2035. The adopted Minerals Local Plan includes an allocation for a

southern extension (i.e. in the opposite direction of the proposed site from the quarry). However, due to the level of permitted reserves it is not proposed for this allocation to be taken forward in the replacement Minerals Local Plan.

Due to the historic working of the surrounding area for mineral extraction and the allocation of the proposed site as part of the 'South of Newark' allocation (see Local Planning Context) the County Council would not raise any objection with regards to mineral safeguarding. The possibility of prior extraction could be explored in consultation with British Gypsum.

Strategic Planning Issues

Highways

See comments above under NCC Highways.

Travel and Transport

Bus Service Support

The County Council has conducted an initial assessment of this site in the context of the local public transport network.

Although there are a number of commercial bus services operating along the nearby London Road corridor, the walking distance to the closest bus stops is approximately 1.2 miles which is further than the recommended distance in the 6Cs design guidelines.

Due to the size of this potential development, at this time it is not envisaged that contributions towards local bus service provision will be sought, however the local planning authority may wish to consider a planning obligation which will require some form of public transport contribution to serve the site as part of the larger local development.

Infrastructure

Due to the size of this potential development, at this time it is not envisaged that contributions towards local bus stop infrastructure provision will be sought, however the local planning authority may wish to consider a planning obligation which will require some form of public transport contribution to serve the site as part of the larger local development including the provision of bus stop infrastructure.

Further information can be supplied through developer contact with Transport & Travel Services upon receipt of the full planning application.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey. This indicates that the site supports semi-improved grassland of moderate diversity, and provides potential habitat for reptiles.

The report recommends that further surveys are carried out in relation to reptiles, for this reason. If such surveys have already been completed, it is requested that these are submitted; if they have

not, then they should be commissioned as soon as possible, noting that September is an optimal survey period for reptiles, with October suboptimal; beyond this, it would not be possible to complete surveys until next April. Without this information it is not possible to comment fully on the ecological impacts of this application.

In addition, whilst some recommendations are made in the Extended Phase 1 Habitat Survey, no firm mitigation is proposed for the loss of habitat that would arise from the proposals (amounting to more than 50% of the existing habitat area). It is noted that the undeveloped part of the site would be retained as 'New Public Open Space (for ball games etc.)'; the retention and enhancement of existing habitat in this area would go some way to mitigating for the net loss of habitat (noting that further, bespoke mitigation may be required should reptiles be found at the site); development as an 'amenity area' would therefore not be desirable. Further details relating to mitigation for the loss of habitat are therefore requested (such as an indicative landscaping scheme).

Landscape and Visual Impact

NB comments on 'Landscape and Visual Impact' received prior to the submission of the applicant's LVIA and subsequent assessment by the County Council as independent consultants.

Given the isolated location of the proposed development, away from the built edge of Newark, the County Council do not support this application. However, should the development obtain outline permission we recommend the following:-

1. Prior to detailed design of the site layout a landscape and visual impact assessment should be submitted along with proposed mitigation measures to minimise the visual impact on adjacent properties. In particular the location of properties ref 18 and 19 shown on drawing O2D should be reconsidered.
2. Vegetation removal should take place outside the bird nesting period (1st March – 31st July inclusive).
3. Any boundary trees and hedgerows to be retained should be protected during construction to BS 5837: 2012.
4. Detailed proposals should be submitted for landscaping, to include areas of species rich grass to the south east of the site and native planting to enhance the boundary with the adjacent SINC.
5. Planting plans for the native tree and hedgerow planting should be submitted, including species, size at planting, spacing, rabbit protection and proposals for establishment/future management. Species should be as recommended for the South Nottinghamshire Landscape Character Area.

Reclamation

Contamination Impacts

The previous use of the site and the demolition of the buildings give rise to the potential for contamination of the ground at the site. The map extract provided below indicates the extent of the quarry and works at the turn of the previous century.



Given the location and history of the site it is concluded that there is potential for the site to be contaminated.

Conclusions and Recommendations

A conceptual site model for the site should be developed through the preparation of a phase one desk study to assess the environmental and human health risks posed by pollutant linkages at the site. Reference should be made to the Environment Agency's Model Procedures for the management of land contamination CLR11 and BS10175:2011+A1:2013, Investigation of potentially contaminated sites: Code of Practice. Within this document clause 6 refers to a desk study and site reconnaissance. The BS document also refers to the development of a conceptual site model to assess the potential for risk from contamination and the development of an investigation strategy to assess those risks.

Once the phase one desk study has been completed a site investigation can be designed to investigate the identified pollutant linkages. The investigation could also be integrated with the geotechnical investigation required for ground condition assessment for foundation design.

The geo-environmental site investigation must be comprehensive and enable: -

- i. the conceptual site model to be refined;

- ii. a Phase II Risk Assessment to be undertaken relating to soil and on site and off site associated groundwater and surface waters that may be affected, and ground gas and vapour.
- iii. a Method Statement to be developed detailing the remediation requirements.

The County Council will be pleased to comment upon the documents once they are provided.

Rights of Way

The Design and Access statement refers to the creation of a new pedestrian and cycle links on the site and these are shown on the site layout plans. These will provide good links to the Sustrans cycle track to the east of the site. The development itself does not affect any recorded public rights of way, although there may be paths used on the ground by local people which are not recorded. However, the provision of NMU access may well mitigate any complaints about loss of access. The County Council would also advise that the routes provided by the developer are included in the s38 adoption along with the estate roads. A specification suitable for the intended use should be discussed and agreed with NCC Highways Development control.

Developer Contributions

The County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and Newark and Sherwood District Council to ensure all requirements are met.

Education

The County Council wish to seek an Education contribution of £80,185 (7 x £11,455) (See above)

Overall Conclusion

In terms of Strategic Highways, the applicant will need to demonstrate how the proposed access arrangement can be satisfactorily accommodated with the alterations currently being made to Bowbridge Lane as part of the Newark Southern Link Road scheme. Equally the applicant will need to consider and report on the vehicular access restrictions imposed by the closure of Bowbridge Lane to the south of the application site.

The County Council do not have objections to the proposed development from a Minerals or Waste perspective.

In relation to Nature Conservation, the County Council would request that additional surveys are carried out, as set out in detail above.

In relation to Reclamation, a conceptual site model for the site should be developed through the preparation of a phase one desk study to assess the environmental and human health risks posed by pollutant linkages at the site.

The development itself does not affect any recorded public rights of way, although there may be paths used on the ground by local people which are not recorded. However, the provision of NMU access may well mitigate any complaints about loss of access. The County Council would also advise that the routes provided by the developer are included in the s38 adoption along with the

estate roads. A specification suitable for the intended use should be discussed and agreed with NCC Highways Development control.

The County Council would wish to seek an Education contribution of £80,185 (7 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

Nottinghamshire Wildlife Trust – Initial comments:

The Trust were pleased to see that an ecological survey of the site had been carried out (Extended Phase 1 Habitat Survey, Total Ecology September 2015) which allowed an assessment of the potential ecological impact of the development.

The Trust reviewed the above report and were generally satisfied with the methodology. Habitats on site were considered potentially suitable to support a range of species, with mitigation recommendations given to ensure impacted are minimised.

Birds

Suitable habitat for nesting birds is present on site. The Trust would wish to see this retained where possible, in particular along site boundaries which would maintain commuting and foraging habitat. Where vegetation clearance is required, the Trust recommended a suitably worded condition to protect breeding birds:

“No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

Badgers

No signs of badger activity were noted, however the Trust supported the recommendation in Section 5.3 for a pre-commencement walkover survey to ensure that the situation has not changed with respect to badgers. The Trust advised that this survey could be conditioned.

Best practice methods during construction should be followed to protect any animal which may enter any excavations. Trenches should be covered overnight, or a ramp or other means of exit should be provided. Pipes over 150mm in diameter should be capped off.

Reptiles

Section 5.3 of the report states that suitable reptile habitat is present on site, reptiles records are known from the vicinity of the site and that offsite habitats provide good ecological connectivity. Further reptile survey work is recommended, however the Trust cannot see any evidence that this has been undertaken. All reptile species are protected from intentionally killing, injuring or selling under the Wildlife and Countryside Act 1981. The report recommends that further, more detailed reptile survey work is undertaken to ascertain whether reptiles are present on site. The Trust recommended that the LPA requested this survey work is carried out and the report is submitted for review before the application is determined

Paragraph 99 of Government (ODPM) Circular 06/2005 (which accompanied PPS9, but remains in force), states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’

Local Sites

The site is immediately adjacent to Balderton Dismantled Railway South Local Wildlife Site. Local Wildlife Sites are afforded protection due to their substantive nature conservation value. Their selection takes into consideration the most important, distinctive and threatened species and habitats within a national, regional and local context, making them some of our most valuable urban and rural wildlife areas. With this in mind the Trust requested that a condition be placed on the application should it be approved that requires the applicants to ensure that building materials and machinery are kept as far away from the LWS as possible at any time prior to or during works.

Landscaping

The Trust were pleased to note that the proposed Site Layout Plan appears to indicate tree and hedgerow planting as well as Public Open Space which could help to buffer the adjacent LWS to the east. The Trust recommended that native, locally appropriate species are used wherever possible to maximize the nature conservation value of the proposal. The species list for South Nottinghamshire Farmlands should be consulted for a list of appropriate species. The Trust would also recommend that existing habitats including the grassland are retained where possible, and potentially enhanced. Appropriate ongoing management should be considered. Detailed Landscaping and Management Plans should be secured by way of condition.

Ecological Enhancements

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, the Trust advised that they would welcome plans for biodiversity enhancements on and around the development site. As well as planting and managing new habitats, consideration should also be given to installing bat and bird boxes and creating habitat piles or hibernacula. Additional enhancements may be informed by completion of the outstanding reptile survey work.

In the absence of the further reptile survey work required, the Trust confirmed that they wished to object to this application as there is insufficient information with which to consider the impact on protected species.

The applicant subsequently advised that they had a conversation with Nottinghamshire Wildlife Trust and that it was agreed that as reptiles would be in hibernation until March next year (2016), a detailed reptile survey would be conducted then if the planning application is acceptable. I contacted the Trust who then advised as follows:

‘We have previously recommended that the LPA requests the required reptile survey work to be carried out before the application is determined, which is in line with planning policy regarding protected species. NWT have been contacted by the applicant to discuss this position.

In order to fully understand the use of the site by reptiles, we would still recommend that further survey work is undertaken - ideally this should take place prior to determination to ensure that all material considerations have been addressed. However, this application is in outline and we understand that the applicant would be willing to accept a condition requiring that the surveys are carried out to inform the reserved matters application.

Whilst it is true that reptiles hibernate over winter months and survey during this time is not possible, the timing of the application is not reason enough to deviate from planning policy requirements.

However, the current site layout plan indicates that the eastern side of the site, which is adjacent to the most suitable connected habitat for reptiles, would remain undeveloped. With this in mind, should a population of reptiles be present, the currently proposed layout could accommodate suitable habitat for retention of the population. We would therefore accept under these specific circumstances that the required reptile survey work could be secured through a planning condition attached to the outline application which requires it to be undertaken as soon as possible (bearing in mind survey timing constraints) and the recommendations incorporated into any reserved matters application.'

Natural England – No comments to make.

Trent Valley Internal Drainage Board – The suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the site is to be drained.

Should soakaways prove to be unfeasible the applicant has indicated that surface water would be discharged to the Middle Beck Main River. In this case the outfall construction and discharge rate must be agreed with the Environment Agency.

The design, operation and future maintenance of site drainage systems, and any off site drainage systems required to convey flows to the Middle Beck Main River, must be agreed with the Lead Local Flood Authority and Local Planning Authority.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and overland flows".

The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. The Board note the presence of a bund to the rear of Lowfield Cottages and consideration should be given as to if the bund affords any protection to Lowfield Cottages and flows emanating from the development site.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, within the channel of a riparian watercourse will require the Board's prior written consent.

Community, Sports and Arts Development – No objection to this planning application in principle. Given that the proposal is for 35 residential units there should be a contribution towards Community Facilities as per the Developer Contributions SPD of £1,337.08 per dwelling fixed at May 2015 plus appropriate uplift through indexation at the point of payment. If further information is required about what the contribution will be used for further information can be provided.

Environmental Services (Contaminated Land) – This application is for residential development on land that has a long legacy of industrial uses. These previous uses, including plaster works, gypsum quarry, gasworks waste lagoon and scrapyard are known to be potentially contaminative.

Numerous site investigations have been carried out on this site in the past and have identified that elevated levels of contamination remain. We are aware that some remedial works were carried out in the mid 1990s but the effectiveness of the work has not been verified. Furthermore, this remedial work is likely to have been carried out to ensure that the site was suitable for the use at the time and not for the requirements of modern day standards for residential dwellings with private gardens, which are highly sensitive.

The information accompanying the planning application fails to address our concerns regarding the proposed residential use on a site with such a complex history in terms of contaminative uses and we are surprised that there is no supporting study with the application i.e. desktop report. Prior to development, there would be the requirement for a robust site investigation, to take into account the works that have already been carried out to date and to identify what the current levels of contaminations are at the site to identify the method of remedial work, this we believe will be technically and economically challenging given the proposals. It is essential that our full phased contamination condition is attached to any planning consent given.

Following these comments, the applicant advised as follows:

'This site was remediated with the aid of a DOE derelict land grant. The removal of contaminants was supervised by Nottinghamshire County Council and the Environment agency. The 18 month program was finally signed off by both Notts (letter attached) and the DOE to their satisfaction. It should be noted that Newark and Sherwood had no involvement whatsoever and I believe this would explain their caution. In the event NSC were to give this planning application their approval we would expect to carry out further tests and prepare a report for the LA on further works necessary for the site to meet residential criteria. We have made an allowance for this in our viability statement. However as has been accurately assessed this would mostly amount to ensuring gardens and landscape areas are sufficiently top soiled.'

The Environmental Services team then provided the following further comments:

Environmental Health have no objection to the matters relating to remediation being dealt with by condition at a later stage.

Contrary to the agents comments, Environmental Health expect that the contamination issues at this site could be complex and investigation and remediation is likely to be far more challenging and costly than the developer may have considered. The matters to be addressed by any further investigation must include the following:

- Although aware of numerous site investigations and limited remedial works in the past, any improvement at the site remains to be validated so it is not known how effective this work has been. It is known that the stream to the South of the site (Middle Beck) continued to be affected by elevated contamination for a substantial period after the remedial works were carried out, however the neighbouring land parcels may also have contributed to this.
- The site was formerly landfill (the licence remains active and was never surrendered) and prior to this was a lagoon used for the disposal of liquor for the coal carbonisation industry, these are highly contaminative previous uses. Houses with gardens is a very sensitive use and there is a lack of investigation and validation information to current standards. Hence Environmental Health would expect that robust site investigation work (and remediation and validation) is still required. Environmental Health do not consider that simply placing topsoil in gardens/landscaped areas will be sufficient.
- Finally Environmental Health ask how will the contamination, that is known to exist in neighbouring land parcels that were not subject to the remediation grant, be controlled and be prevented from affecting this development site?

Parks and Amenities – ‘As a development of over 30 dwellings this scheme will need to make allowance for public open space in the form of children’s playing space and amenity open space. I note that the site layout plan appears to show an area of public open space of around 0.6ha in area which is greatly in excess of the requirement for a development of this size. The layout plan also describes this public open space as being for ‘ball games, etc’ and as such it could be described as children’s playing space. However I note that the majority of this area is described in the Flood Risk Assessment as flood plain and would thus question its suitability as children’s playing space and suggest that the applicant be asked to justify how it would be made usable as such. If it cannot be properly used as children’s playing space then an off-site contribution may be justified.’

Severn Trent Water – No comments received.

The Environment Agency – ‘We have no objections in principle to the proposed development. We would however require a detailed site investigation and risk assessment to be carried out prior to any development being undertaken. We are aware that this site has an industrial past and is likely to be contaminated.

If planning permission is granted, we would recommend that the following planning conditions are included on the decision notice.

Condition

No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - The site has an industrial past and the risks that any contamination remaining at the site poses to controlled waters (both groundwater and surface water) must be assessed prior to commencement of development.

Condition

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that any risks to controlled waters are appropriately remediated as per the agreed strategy, prior to the occupation of the development.

Condition

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - It is likely that residual contamination may remain at the site. As such, it must be ensured that any on site drainage does not act to provide preferential flow pathways for contaminants into the ground, or the mobilisation of residual contamination.

Advice for LPA/Applicant

The Environment Agency has been based on the current best available data. Studies are currently underway that may change the flood mapping in this area but it is not yet known how. The Environment Agency would also be reluctant to support any development in the area to the East which is currently defined as floodplain in the location plan.

With regards to the surface water at the site the Environment Agency believe it would be more appropriate for the Lead Local Flood Authority to comment on this application.

Severn Trent Water Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.'

The Environment Agency were consulted on the issue of the section of Bowbridge Lane at the access to the site being located within Flood Zone 2 but advised that given the issue related to flood evacuation they would refer to advice being given by the Council's Emergency Planner. They advised that the developer should look at the potential flood depths and carry out a topographical survey to demonstrate that there is safe means of vehicular access in times of flood (in particular for emergency vehicles) and that this information should be provided up front and not conditioned as required by the NPPF.

Strategic Housing – 'The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Balderton is part of the Newark sub area (1) and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 266 flats, the highest demand for any type of property.
- Property size: 1 and 2 bedrooms account for the highest level of need. 234 households require 1 bedroom and 458 require 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Balderton: 1,123 households preferred Balderton for their future location preference. This is highest level of demand after Newark
- The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need Council therefore considers that in developing new affordable housing will deliver council priorities in terms of housing needs there is a breadth of evidence to support'

'Affordable Housing Provision

The Council's Core Strategy sets the affordable housing targets for any suitable site at 30% and applies the following dwelling threshold for Newark:

10 or more dwellings / 0.4 hectares irrespective of the number of dwellings.

The present proposals amount to 35 dwellings in all. This amounts to 10 units of affordable housing on this site as detailed below:-

	Social/Affordable Rent	Intermediate Housing	Total
1 Bed 2p flats	2	0	2
2 Bed 4p houses	4	2	6
3 Bed 5p houses	0	2	2
Total	6	4	10

Access and Equalities – It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

NSDC Emergency Planner – Following the applicant's provision of anticipated flood depths turning right onto Bowbridge Lane from the application site, the Emergency Planner confirmed that this

would not cause a great issue. The depths are 10 – 20 cm and although the Emergency Planner cannot say that any vehicles can go into flood waters due to hidden dangers, they do not believe this would be unreasonable in this instance.

That being said, the estimated depths turning left on to Bowbridge Lane do show levels of up to 60cm which would cause issues and vehicles would not be able to pass easily. The Emergency Planner does not see an issue with this provided the site is made right turn only at all times in event of flooding.

Neighbours/Interested Parties – 2no. written representation has been received objecting to the proposals and raising the following issues:

- Is there any point commenting as they are already surrounded.
- A neighbour had an application refused for a dwelling as it would ‘spoil their house’, yet they have a road (SLR) with footbridge over at the end of their garden.
- The proposal would be too close to existing properties. Existing properties would be overlooked when the new development could be further away to protected the privacy of existing residents in this small rural community.

1no. written representation has been received in support of the proposal.

1no. written representation has been received querying whether the application has already been either withdrawn or refused as current highway works have a direct impact on the application.

Comments of the Business Manager

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The District Council adopted its Core Strategy in 2011 outlining which settlements are central to the delivery of Newark and Sherwood’s Spatial Strategy over the plan period to 2026. Spatial Policy 1 sets out the Newark Urban Area as being a sub-regional centre as being the Newark Urban Area which is the main focus for new housing with Service Centres and Principal Villages also identified and Spatial Policy 2 identifies these areas as being those where housing growth in the district is to be accommodated.

The 1.32Ha application site sits outside the Newark Urban Boundary identified on the Proposals Map in the Allocations and Development Management DPD. The site is identified within the Core Strategy as siting within the strategic site ‘Land South of Newark’ and is annotated indicatively as being for ‘Green Infrastructure’. Outline planning permission has since been granted for this strategic site (most recently in January 2015 under planning application ref.14/01978/OUTM) and the approved parameter plans for that application confirm that the necessary land for green infrastructure and flood mitigation does not include this site. The application site is therefore, as a matter of fact, beyond the Newark Urban Area as defined within the ADMDDP and is within open countryside.

Policy DM8 is clear that development in the open countryside will be strictly controlled and limited to certain types of development listed in the policy. The third item of the list refers to new dwellings stating that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance the immediate setting and be sensitive to the defining characteristics of the local area. This policy approach is in full accordance with the NPPF which advocates as one of the core planning principles the need to recognise the intrinsic character and beauty of the countryside.

It is not lost on me, however, that the site is on the very edge of Newark, close to the most significant piece of infrastructure currently under construction within the District (in the form of the Southern Link Road). There are existing residential properties adjacent in the form of Lowfield Cottages, commercial uses to the South, and the residential development associated with the Strategic Site Extension to the north of the SLR. 2 no. recent appeal decisions nearby which allow for further development beyond the main built up area of Newark must also be weighed in consideration, albeit these were in a commercial context (Ref APP/B3030/W/15/3140973 and APP/B3030/W/15/3140050). The latter appeal decision concluded that factors 'on the ground' were of sufficient weight to outweigh any harm by reason of being located south of a defined settlement boundary. An extract of that appeal is detailed below:

- '8. Although the Development Plan is the starting point for my decision, I am also required to give weight to other material considerations. In that regard, the presence of other commercial uses and the accessibility of the site to the highway network are factors that weigh in favour of the proposal. The Council acknowledges that the appeal proposal would not prejudice any proposals for the strategic site development, and I have no reason to disagree with that assessment. Furthermore, the proposed use would have little impact on the character or appearance of the area because of the close proximity and nature of the other commercial uses in the locality.
9. In addition, the construction of the new relief road would ensure that much of the traffic generated by the appeal proposal would have good access to the wider highway network, without having to travel through parts of the existing built-up area.'

All matters must be very carefully balanced in this case.

Delivery of Housing Need

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "boost significantly the supply of housing". Paragraph 17 states further that the planning system should "proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area." NPPF indicates that this will be achieved first and foremost, by local planning authorities, "using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period."

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "boost significantly the supply of housing". Paragraph 17 states further that the planning system should 'proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.' NPPF indicates that this will be achieved first and

foremost, by local planning authorities, 'using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.'

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). By their very nature, these have taken longer to be brought to market. Land South of Newark now has 2 no. national housebuilders involved, the first of which is expected to receive reserved matters consent to allow a start in March 2017. Consent will shortly be issued to a national housebuilder for the Fernwood SUE for 1800 houses (\$106 awaiting execution). NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/H>

MA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see <https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>). The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be an Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OAN should have. I am satisfied that the Farnsfield Inspectors decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

Thus proposals for development beyond the main built up area, as is the case with this application (for the avoidance of doubt this site sits sequentially south of the SLR (which forms the urban area of Newark as in the ADMDPD), the Eastern Park provided by the SUE, Lowfield Cottages and Lowfield House, being immediately adjacent to the latter), will need to be considered in the context of the individual harm which a scheme would cause. I go on to assess each issue in turn.

Previous Use of Site

The description of the proposal states that the site is brownfield land on the premise that there is a clear presumption in favour of the use of previously developed land in the NPPF. The definition of brownfield in Annex 2 of the NPPF is as follows:

‘Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.’

Having liaised with Nottinghamshire County Council, they have confirmed the most recent planning history of the site from their perspective as being a 1993 permission to reclaim and reinstated the land to make it suitable for importation of fill material. This work then had to be completed by 31st January 1994. A letter submitted as part of this application (letter from NCC dated 1995) indicates this remediation was signed off in 1995. Permission was also granted in July 1994 for the erection of a waste to energy incineration plant and in 2010 for the erection of an industrial unit. However, these permissions were never implemented and therefore the site has been in its current state since 1995.

It is clear on site that, in the 20 years since remediation was signed off by the County Council, the site has recovered to a more natural state. It is noted that the remains of a small building (former cottage) are evident to the north east of the site adjacent to the boundary with Lowfield House. However, this small building occupies a very minimal proportion of the site and would have a comparably small curtilage and it is clear that the remains of previous industrial use of the site have blended into the landscape in the process of time.

Having regard to the above facts and the definition of previously developed land in the NPPF, I consider the site should not actually be considered as brownfield. The reference in the description of the proposal to the site being brownfield should be removed and should therefore carry no weight in the determination of this application. This position has been confirmed through legal advice. We are thus in a position where there is a lengthy history and intent to develop the site but intent has not turned into action, leaving a site fallow for 20 years.

Sustainability of location

As stated above, until such time as a housing requirement figure has been tested and found sound, the Council will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes which meet the relevant requirements of the Development Plan in all other respects, and have the capacity to positively contribute to boosting the supply of housing within the District in the short term.

The site sits adjacent to Lowfield Cottages and approximately 160m south of the nearest residential element of the strategic site 'Land South of Newark'. The associated infrastructure for Land South of Newark includes 2 new schools, 2 local centres and public open space, all of which would be in relatively close proximity to the application site. Phase 1 of the Southern Link Road (SLR) which is currently nearing completion and a new road link with footpath is being provided from a roundabout on the SLR to Lowfield Cottages and the land subject of this application. While I consider that the site lies within open countryside (where new housing would usually be resisted) I am conscious that given the above context it is difficult to maintain that the site is locationally unsustainable, as was borne out by the recent Quarry Farm appeal.

Given the current Housing land supply position set out above (and the current inability to attach full weight to the OAN figure, the only figure which would offer a current 5YLS), the fact that any figure is a minimum, and the 'on the ground' context, I consider that there is potential for this site to make a contribution to the provision of housing in the form of 35 dwellings. I say this in the context of Newark, which is an identified sub-regional centre that will take the majority of growth, as defined in the Council's adopted settlement hierarchy. For the avoidance of any doubt my view may be different in a different context or settlement.

In my view one can only attach weight to the ability to contribute to boosting growth if there is a realistic prospect that this scheme will not only happen, but that it will happen sooner rather than later. I say this given that stalled progress on the Strategic Urban Extension sites is likely to progress with house completions within the next 18 months. Should Members be minded to approve this application it is my opinion that any permission granted be framed such that there is a short timeframe for implementation. This would ensure that any application does achieve what is intended (i.e. Boost housing growth in the short term). Any concerns that a material start on site could be made with the site being 'sat on' would be alleviated in some way in my view by the fact that any material start would attract a CIL receipt.

Whilst an appropriately framed planning permission, alongside other factors, would mean that weight in planning terms should be afforded to the delivery of housing it remains necessary to assess whether the proposals meet the requirements of the Development Plan in all other respects.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need.

Core Policy 3 also states that the Council will seek to secure new housing development which adequately addresses the housing need of the District namely:

- Family housing of 3 bedrooms or more
- Smaller houses of 2 bedrooms or less
- Housing for the elderly and disabled population.

The development proposes up to a maximum of 35 dwellings on the application site and the indicative schedule of accommodation is for a mix of 2, 3, 4 and 5 bed roomed dwellings heavily weighted towards three bed roomed dwellings which are anticipated to account for 29 of the dwellings proposed. 23no. of the proposed dwellings would be either semi-detached or terraced with the remainder being detached. Whilst this mix and type of dwellings is only given to demonstrate how the site might be delivered and is not fixed it demonstrates how such development might be accommodated on site and the housing mix includes family housing of three beds or more and a 2 bed bungalow both of which accord with Core Policy 3. The final mix would be influenced by the Council's relevant development plan policies and the housing market when any reserved matters application is submitted. However opportunities can be explored in any reserved matters application to ensure an appropriate mix.

35 dwellings would result in a net density of 27 dwellings per hectare on a site of 1.32 hectares. A wider site is shown on the indicative plan with land to the west utilised for new public open space with new footpath and cycle links to the Sustrans route (although this land is outlined in blue on the submitted site plan). Clarification has been sought from the applicant as to the extent of land which would be provided as open space. A revised red line plan has been submitted showing the proposed Public Open Space to have an area of 1671 sq m – The minimum amount of open space required to serve the development is set out in the section relating to developer contributions below, this would be secured on-site on a formula basis in any S106 Agreement should Members

be minded to approve the application. The area of public open space now being promoted is slightly in excess of the requirement for a development of this size. Furthermore, whilst net densities are slightly below the requirement in Core Policy 3, I am mindful of the characteristics of the site which sits within open countryside and the need to try and assimilate any development into the surroundings. Any reduction in the usual density requirements would only assist in helping to reduce the visual impact of the proposal in this setting and may provide further opportunities for mitigation such as buffer landscaping.

On balance, I am satisfied that the indicative layout and house mix gives an indication as to what the site could deliver. I consider that a development based on these principles provides scope to ensure the housing mix, type and density meets the overall objectives of Core Policy 3.

Impact on Landscape Character

The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA).

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

Given the sensitive nature of this application with the site located outside existing urban boundaries, the Council has sought independent landscape advice to assess the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant and to provide further advice if there are omissions in the landscape work undertaken by the applicant's representatives. The advice received confirms that the methodology followed in the applicant's LVIA and accompanying viewpoint photography are accepted as best practice for LVIA and the size of the study area with a 2km radius is acceptable.

In assessing the site's characteristics, regard has been given to the public rights of way within the study area, the closest residential properties at Lowfield Cottages, the wider context including the Southern Link Road (SLR) and bridge to take the Sustrans route and bridleway over the SLR and the large industrial buildings at the gypsum works and Lowfield works. Regard has also been given to the scale of development proposed including that the development will be 35 dwellings in a variety of forms but mainly two-storey in height, that boundary hedging and trees are to be retained to the perimeter of the site in addition to new landscape treatment which is yet to be defined. The independent advice is in agreement with the applicant's LVIA that the physical effects of the development on the fabric of the landscape will be minor adverse and concurs that the landscape sensitivity of the site is low.

The Council's Landscape Character Appraisal (LCA) provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The application site is situated within South

Nottinghamshire Farmlands Policy Zone SN07 'Elston Village Farmlands' which is defined as having a moderate landscape condition, moderate landscape sensitivity and a policy action to 'Conserve and create'. East Nottinghamshire Sandlands Policy Zone ES06 'Bowbridge Lane Farmlands' is located immediately to the north of the site and is defined as having a good landscape condition, low landscape sensitivity and a policy action to 'Reinforce'. The applicant's assessment of landscape sensitivity is low due to construction activity associated with the SLR and construction activity associated with Land South of Newark years 1 – 10. The independent advice received accepts this conclusion and that the landscape sensitivity of Policy Zone PZ SN07 will continue to be downgraded due to these adjacent construction projects. The independent advice also agrees that the development would have a low magnitude of impact over the study area as a whole.

The applicant's LVIA includes an assessment from 8 viewpoints which concludes that there are no important adverse visual effects (that is impacts above moderate adverse which would constitute an 'important effect' in the terms of the Environmental Assessment Regulations). The independent advice agrees with his conclusion but considers there are some omissions. The Viewpoints considered in the applicant's LVIA are:

- Viewpoint 1 – Bowbridge Lane, adjacent to Lowfield Cottages
- Viewpoint 2 – Bowbridge Lane, adjacent to 'Collect a Wreck' car breakers yard.
- Viewpoint 3 – National Cycle Route 64, adjacent to Hawton Lane
- Viewpoint 4 – Hawton Bridleway 1, just off Grange Road
- Viewpoint 5 – Hawton Bridleway 3, just off Cotham Lane
- Viewpoint 6 – Entrance to the Tawny Owl pub on William Hall way
- Viewpoint 7 – Grange Lane, close to Balderton Grange
- Viewpoint 8 – Newark on Trent cemetery

The independent advice considers that further viewpoints should have been included to consider views of recreational receptors from Hawton Bridleway 6 to the west of the site, Balderton footpath 11 to the north of the site and the potential view from the proposed Sustrans overbridge that will pass immediately to the north east of the site. Furthermore the timescale of the assessment meant that a winter survey with trees without leaf cover was possible and therefore viewpoints 3, 5, 6, 7 and 8 were not carried forward in the assessment as vegetation restricts views towards the site. The independent advice received disagreed with this approach as it does not follow the accepted methodology for visual assessment. The independent advice takes into consideration the viewpoints considered in the applicant's LVIA and carries out its own assessment of the viewpoints not carried through due to existing vegetation and the additional viewpoints identified from recreational receptor points through a mix of site visit analysis and desk based analysis. The independent assessment concludes on assessment of all viewpoints that whilst the applicants visual assessments includes some instances where the impact has been underestimated, overall none of the amended visual impacts are above moderate adverse which is the level at which any visual impact would become significant. There are moderate adverse visual impacts for a small number of residents in properties adjacent to the site (Lowfield Cottages and Lowfield House) and potentially for users of the elevated section of the Sustrans cycleway where it crosses the Southern Link Road to the north east of the site. Overall the independent assessment agrees with the Newark and Sherwood Strategic Land Availability Assessment (March 2010) which concluded that the application site should not be developed in isolation due to the level of separation from the existing settlements of Hawton and Balderton. However, if the site is developed and seen as part of the larger Newark Growth point development the development could be supported in visual impact terms.

In terms of the potential for mitigation for the level of impact identified, the independent assessment acknowledges a detailed landscape proposals drawing as not been provided at this stage but recommends conditions to ensure vegetation removal is undertaken outside the bird nesting season, protection of any boundary trees and hedgerows to be protected during construction including that providing screening to neighbouring residential properties, detailed landscape proposals to include species rich grassland to the south of the site and native planting to enhance the boundary with the adjacent SINIC, planting plans for native tree and hedgerow planting and that such conditions will help to meet the objectives of landscape Policy Zones PZ SN07 and PZ ES06 such as reinforcing hedgerows and enhancing visual unity and softening surrounding built development through landscape planting.

The residential development would alter the existing character of the site through the built form of the dwellings and the internal infrastructure such as the road network and boundary treatments between dwellings. However, the scheme would be seen in context with existing dwellings to the north and the strategic site infrastructure and dwellings at land south of Newark which would be in close proximity to the site. Having regard to the LVIA assessment submitted as part of the application and that the independent assessment of the LVIA concludes that the overall visual impact would not exceed moderate adverse, I am satisfied that the visual impact of the proposed development would not be so significant to warrant a refusal of planning permission in this instance. Any reserved matters application would need to be accompanied by full landscape plans which would need to incorporate the mitigation measures recommended in the independent advice received.

Impact on Ecology

The paragraphs under Section 11 of the NPPF relating to ‘Conserving and enhancing the natural environment’ are relevant.

Core Policy 12 and Policy DM7 relate to ‘Biodiversity and Green Infrastructure’ and seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The nearest Local Wildlife Site (LWS) is situated immediately to the east on land at the Balderton dismantled railway with substantial areas of grassland and scrub which now has the Sustrans path. This land is currently being remodelled and a footbridge is being constructed as part of the approved development to construct the Southern Link Road which forms part of the planning permission relating to the strategic site.

I note the comments received from Nottinghamshire Wildlife Trust and the County Council’s Ecologist which note that an Extended Phase 1 Habitat Survey has been carried out and submitted as part of this application and includes mitigation recommendations to ensure impacted are minimised.

The applications relating to Land South of Newark and the associated footbridge over the SLR include conditions to ensure mitigation including habitat creation is incorporated into this neighbouring development. I note the Wildlife Trust’s requested condition should this application be approved that requires the applicants to ensure that building materials and machinery are kept as far away from the LWS as possible at any time prior to or during works. It would be reasonable to attach such a condition should planning permission be forthcoming.

Any planning permission could include conditions requiring the precise details of landscaping to be provided as a reserved matter to retain as much of the existing boundary planting as possible assist in maintaining habitat for bird species on the site. The suggested condition requiring any vegetation clearance to be carried out outside the bird nesting season could also be attached. The suggested walkover survey for badgers and best practice methods during construction to protect any animal which may enter any excavations could also be conditioned.

With regards to the additional reptile survey work required, whilst it would usually be best practice to request this survey work be submitted prior to determination of the application, I note the further comments of the Wildlife Trust who are happy for this requirement to be conditioned in this particular instance having regard to the fact that the current submission is an outline application and furthermore that the illustrative layout plan indicates that the eastern side of the site most suitable connected habitat for reptiles, would remain undeveloped and therefore has the potential to accommodate suitable habitat for retention of the population. I therefore consider that the suggested condition is reasonable in this particular instance and any planning permission can also include the advisory note regarding the protection of reptile species provided by the Trust.

I am also mindful of Paragraph 118 of the NPPF which encourages new developments to incorporate biodiversity in and around developments. A condition relating to the details of landscaping could be attached to any planning permission requiring native, locally appropriate species to be used in addition to an advisory note referring to the species list for South Nottinghamshire Farmlands. Opportunities for enhancement of the grassland can also be explored once the final landscaping details are submitted as part of a reserved matters application. Appropriate ongoing management is considered under the section relating to developer contributions below.

I also consider it reasonable to attach a condition requiring details of bat and bird boxes to be incorporated in to the development. Opportunities for the creation of habitat piles or hibernacula can also be considered as part of the final landscape scheme submitted under reserved matters which should be informed the additional reptile survey work required.

On balance, I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Design, Layout and Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has submitted a Design and Access Statement to present the site opportunities and constraints and to explore potential design solutions for the site. In addition to this an Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

The indicative layout shows 35 dwellings with associated private amenity space. Properties are positioned along the spine road entering into the site with further properties set around a cul-de-sac branching northwards. Land to the eastern portion of the site is shown to be utilised as public open space with new footpath and cycle links to the Sustrans route to the east. The indicative schedule of accommodation is for a mix of 2, 3, 4 and 5 bed roomed dwellings heavily weighted towards three bed roomed dwellings which are anticipated to account for 29 of the dwellings proposed. 23no. of the proposed dwellings would be either semi-detached or terraced and the Design and Access Statement states this mix is intended to provide local distinctiveness and a sense of place. A simple palette of brick and tile/slate would be used with some contrasting materials. In the majority of cases on the indicative plan, hedges and gates are shown to the front gardens of properties. Such principles could be carried forward to the reserved matters to ensure the development is sensitively designed to reflect the generally rural location.

Whilst the finer detail would be considered by way of the reserved matters should planning permission be granted, the indicative plan and Design and Access Statement help to provide a vision of what could be achieved on the site. The mix of property sizes which are predominantly terraced or semi-detached draws on some of the character of the existing terraced properties at Lowfield Cottages and also allows for higher densities to be achieved on the land at less risk of flooding. More thought would need to be given to creating more of a feature of properties at key locations on the site, for example on corner plots. The indicative plan shows the first property on entering the site to be positioned side on and set in from the boundary with Bowbridge Road and this may subject to precise details help in reducing the prominence of the site from the main road which in this particular instance may be desirable given the open countryside location.

Front curtilage space will provide opportunities off street parking space, however, this would need to be carefully designed to ensure swathes of hard surfacing is interspersed with soft landscaping, and this will require particular attention in areas where terraced units may be proposed given curtilage space is more limited here.

Rear gardens range from 8.0m – 12.5m in depth to the north of the spine road and are mainly rectangular in shape. Gardens to the south of the spine road are generally larger save for the single proposed bungalow on the site and some of these gardens are more irregular in shape and may benefit from work to reconfigure rear spaces (e.g. Plot 30) were a similar scheme to come forward at the reserved matters stage. However, overall the indicative layout shows development at this density could be achieved without unduly impacting on the interface distances between the proposed properties as in the majority of cases properties do not back on to each other. There is one instance at plots 19 and 24 where space between properties is constrained, however given this is an exception I consider this could be easily designed out at the reserved matters stage. Properties are also shown to site with side elevations facing existing properties, other than plots 2 and 3 facing Lowfield Cottages and plot 18 facing Lowfield House. In these instances, if a similar scheme were to be put forward under the reserved matters, careful consideration would need to be given to the location of main first floor windows in order to ensure there are no undue overlooking. I am satisfied that the plan also shows properties could be laid out to ensure no undue overbearing or overshadowing impacts would result from the proposals other than plot 18 which could be overbearing depending on final design given its layout and siting adjacent to the boundary of Lowfield House. Again, I consider there is likely to be scope to design this out on any future layout plans for the site.

Given the site will occupy a gateway location and would be visually distinct from the Newark Urban boundary; I consider it will be imperative that any final design helps to manage the

transition into the main built up area. I therefore consider that the development should be no higher than two storeys, as is the intention in the Design and Access Statement provided, and where possible the provision of buffer planting is incorporated to the external boundaries of the site. Any reserved matters application relating to layout will need to demonstrate that suitable landscape buffers can be delivered and details of future maintenance also needs to be confirmed by condition to ensure the long term retention of the buffer landscaping.

With regards to other landscaping issues to be considered, whilst this is a reserved matter any hedgerows to the external boundaries of the site which form part of residential curtilage will need to be carefully managed and controlled by condition on any reserved matters application to ensure the integrity of buffer planting is not compromised through the management of individual plots

The final location of open space(s) clearly falls to be determined at reserved matters stage, however, whilst the wider concept plan is indicative only, it shows how this could be provided on site and provide links to the existing footpath/cycle network and provides a guide for the detailed layout in any reserved matters application.

Whilst there are a number of outstanding issues regarding the site layout itself, which will require further discussion at reserved matters stage, the position of the site access points indicated on the layout plan are considered acceptable as considered in further detail below under 'Highway Matters'.

On balance, I am satisfied that the indicative layout shows there is scope for the development to be designed to sympathetically in order to reduce any impact on the character of the open countryside and in order to ensure the amenity of existing dwellings and proposed dwellings is protected. The proposals therefore have the ability to ensure the objectives of Policy DM5 can be achieved.

Impact on Highways Network

Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible.

The application has been submitted in outline with all matters reserved. However, the indicative plan provided includes how access might be provided to the site. The Highway Authority raised concerns as to whether the applicant was aware of the impacts of the proposed Newark Southern Link Road and associated alterations proposed to Bowbridge Lane and also requested a plan to demonstrate that adequate visibility could be achieved. The applicant has now provided a plan which demonstrates this and the Highway Authority has confirmed that this is acceptable subject to details provided as part of any reserved matters application showing suitable parking and turning facilities, access widths, surfacing, street lighting and drainage in accordance with their Highways Design Guide.

The proposal would also have strong pedestrian and cycle links due to its proximity to the new road arrangements and associated footpaths.

On the basis that the Highway Authority have raised no objections to the scale of the development and have confirmed suitable visibility for access and egress can be achieved, I am satisfied that the

proposal would have an acceptable relationship with the highway in accordance with the aims of Core Policy 9, Spatial Policy 7 and Policy DM5.

Flood Risk and Drainage

Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk Flood Zones.

The Flood Risk Assessment (FRA) (dated April 2015) submitted as part of this application assesses the wider site measuring approximately 2.4Ha. The FRA concludes that the majority of the site is located within Flood Zone 1 and therefore at low risk of flooding but acknowledges that the Environment Agency have confirmed that previous studies have identified that the site is at risk of flooding from local watercourses. The applicant's consultants have reviewed the hydraulic modelling carried out for the development at Land South of Newark which demonstrates the site lies partially within Flood Zone 3. However the FRA states all residential development and its access would be located within Flood Zone 1 and therefore the risk of flooding to properties and people is considered to be low in the FRA. Mitigation measures including raising finished floor levels by 300mm and through reprofiling in any on site landscaping to ensure surface water is directed away from properties is also recommended. Use of infiltration techniques such as soakaways is recommended in the FRA subject to site investigation. Should this not be possible, drainage through a new pipework to the local watercourse (Middlebeck) is suggested.

A FRA addendum was provided (submitted July 2016) which referred to the up to date position with regards to the works being undertaken to implement the development at Land South of Newark and states that as a result of the development land to the east of Bowbridge Lane will be removed from the floodplain. The EA's up to date flood map layers (April 2015) on the Council's mapping system also show the vast majority of the site to be located in Flood Zone 1 with a very small portion to the front western corner shown to be in Flood Zone 2 (where plot 1 is positioned on the indicative plan). As Members would expect the applicants for the Land South of Newark scheme are continuing to work with the EA to model and design works associated with the Land South development.

A further FRA addendum was provided (submitted 17th November 2016) to provide an update to the FRA, which referred to the Southern Link Road (SLR) and Newark Future Development, for which work has now commenced. The FRA addendum recommended that a topographical survey covering the full extent of Bowbridge Lane be carried out prior to the detailed design stage to confirm likely flood depths and demonstrate that occupants can safely evacuate the development. The addendum stated that in the event that occupants could not safely evacuate the development site via Bowbridge Lane, a new raised footpath would be provided to the east of the development providing access on to the Sustrans route. Following the receipt of this information the Lead Local Flood Authority and the Environment Agency were consulted, however both advised that they were not the lead on providing advice relating to evacuation relating to flood risk and the Environment Agency advised that the Council's Emergency Planner should be consulted. The Emergency Planner requested details on the location and parameters of the suggested pedestrian path, advised that order to confirm whether suitable vehicular access can be provided, in

particular to allow emergency services to safely reach the development, submission of topographical surveys of Bowbridge Lane and a comparison with potential flood levels was required. The requested details were provided on 9th February 2017 and a revised site layout confirming the location and size of public open space and position of footpath and cycle links to the Sustrans route was provided on 28th February 2017. The Emergency Planner has confirmed that the depths turning right out of the site are not unreasonable. With regards to the Emergency Planner's comments relating to potential flood depths turning left on to Bowbridge Lane, I am mindful that given Bowbridge Lane south of the site is to be closed as part of the wider works relating to the Southern Link Road and Land South of Newark, that access and egress will be to turn right out of the site in any event.

I note that Notts County Council as Lead Local Flood Authority have raised no objections provided that any development within the flood plain that results in a loss of flood plain storage volume is balanced on site with an equivalent volume at a similar level. With regards to the comments of the Parks and Amenities Officer raising concerns about any open space being located in the floodplain, given the land available within the applicants ownership and that the current open space proposed being slightly in excess of that required for a development of this scale, any reserved matters application can provide comfort that this space can be profiled to ensure open space in line with the developer contributions SPD is provided and designed to reduce flood risk. I would note that open space can be acceptable in areas at risk of flooding, subject to the extent of flooding and drainage intervention required.

I note the comments of the Internal Drainage Board and their comments can be attached as a note to any planning permission and used to inform the final drainage design.

Land Contamination

NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Policy DM10 which requires development proposals with the potential for pollution to take account of and address their potential impacts in terms of health, the natural environment and general amenity.

The site has a long legacy of industrial uses including plaster works, gypsum quarry, gasworks waste lagoon and scrapyard which are known to be potentially contaminative. I note the Environmental Health Officer's comments that whilst remediation has previously been carried out following the cessation of these uses numerous site investigations have been carried out on this site in the past and have identified that elevated levels of contamination remain. I note the comments at the lack of supporting information with the application and concur that a robust site investigation will be required to fully establish the extent of remedial work required for residential use of the site. The comments of the Environment Agency are also noted in this regard and they recommend a similar condition to deal with any contamination on the site. The Environmental Health Officer's full phased contamination condition can be attached to any planning permission and the Environment Agency could be consulted as part of any Discharge of Condition application.

On this basis, whilst the contamination issues at this site are likely to be complex provided the condition is complied with, I am satisfied that the development will comply with the aims of the NPPF and Policy DM10.

Other Matters

I note the comment received with written representations with regards to planning permission being refused for a dwelling on a neighbouring site. A full planning application has not been received for a new dwelling on this neighbouring site and any informal advice given would have been based on individual site circumstances and would also have been relevant to the housing land supply situation at that particular time.

Developer Contributions

Policy DM3 relates to 'Developer Contributions and Planning Obligations' and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability appraisal has been submitted by the applicant and the Council appointed an independent viability assessor to scrutinise the findings. The conclusions reached are set out below. However I consider it first useful to set out the contributions requested:

Open Space

The Council's Parks and Amenities Officer has confirmed that children's' open space and amenity open space would be required for a development of 35 dwellings in accordance with the SPD. Using the formula in the SPD I have calculated that for Children's playing space at 18m² per dwelling 630m² of children's playing space would be required and at 14.4m² per dwelling 504m² of amenity open space would be required. This therefore totals 1,134m² of open space which is significantly below the area shown on the indicative layout plan. The revised indicative layout plan shows an area of public open space measuring in the region of 0.1671Ha to the west of the site. This area has been clarified following a query to the applicant as the original plan showed an area of Public Open space significantly over that which would usually be expected for a development of the scale proposed. The area of Public Open Space proposed is therefore now slightly above the SPD requirement but roughly proportionate to this requirement.

There is a balance to strike in open space provision set out between what is qualitatively required and what is being offered in quantitative terms. The applicants have only offered amenity open space and not any children's play space (and its associated equipment, the level of which would be expected to meet the SPD). They have, however, offered more amenity space that one would normally seek.

The Council would wish to see any open space on the site maintained by a management company or via a separate agreement with the Town Council (which the Council would be willing to broker should the applicant pursue this option). Consequently maintenance costs would not be sought in this instance.

Education

I note the County Council's response and their confirmation that a contribution of £80,185 equating to 7 primary school places would be required to accommodate the additional pupils generated from this development. However, given the situation in respect of viability (see below), it is considered the development could not afford to make a full contribution in this particular

instance. The viability appraisal suggests that a contribution of £30,000 could be achieved, which would provide for 2 places (totalling £22,910). In this respect the development fails to mitigate harm by reason of insufficient infrastructure.

Affordable Housing

I note that Strategic Housing have suggested that 30% of the housing should be affordable housing in line with the Core Strategy and the Developer Contributions DPD and that this would equate to 10 units of affordable housing on the site. The ability to make this contribution in light of the viability situation is considered further below and concludes that the development cannot support any contribution towards affordable housing.

Community Facilities

I note the comments received during consultation. The SPD states a contribution of £1,337.08 per dwelling would be required for a development of 35 units and therefore a total of £46,797.8. I am mindful of the viability situation set out below and that information has not been provided from the Community Facilities Officer as to where such a contribution might be spent. I also note that within close proximity to the site a considerable contribution towards community facilities has been secured through the legal agreement relating to the strategic development at Land South of Newark. Given the rule of 5 in terms of developer contributions secured for a specific purpose within a defined area and that any contribution in this instance is likely to be significantly reduced, I do not consider it would be appropriate in this instance to request a contribution be made having regard to the viability situation set out below.

CIL

The site is situated within the Newark Growth Point Community Infrastructure Levy Zone where residential development is charged at £45m².

Turning to the S106 again it is clear that the applicant has only limited room for negotiation given the viability assessment undertaken has demonstrated the site will only viable for the proposed development, when factoring in costs including CIL and further remediation of the site, if very limited S106 contributions are made.

Viability

The applicant has sought to challenge the level of developer contributions by way of Affordable Housing and Infrastructure provision on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a competitive return to the landowner and developer.

The key assumptions for assessing viability of the proposed development are set out in the table below:

GENERAL		
Net Developable Site Area		1.2Ha
Total Unit Numbers		35
AREAS		
Net Residential Sales Area	Houses	3285qm
	Apartments	0sqm
Gross Construction Area	Houses	3285sqm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	Houses	£2152qm
	Apartments	NA
CONSTRUCTION COSTS		
	Houses	£1047sqm
	Apartments	NA
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Costs		£485,000
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£806,911
Existing Land Use Value		£200,000
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£523,425
OTHER FEES & COSTS		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		3.0%
Contingencies		5.0%
FIXED DEVELOPER CONTRIBUTIONS		
CIL		Circa £178,965
Planning Obligations	Policy Based Requirement	£213,041
FINANCE COSTS		
Interest		5%
Arrangement Fee		1%
DEVELOPMENT PROFIT		
Development Profit Return on GDV		20%

Assumptions Comments

The sales value and construction cost assumptions of the applicant have been broadly accepted by the independent viability assessor. The standard fee and cost assumptions adopted by NSDC have been used in the appraisal.

Section 106 Infrastructure contributions of £213,041 towards Education, Community Facilities and Open Space have been requested on the site based on the requests set out above. I have already rehearsed above that Community Facilities (£46,797.8) could not be reasonably sought in this instance. Equally if open space is provided on site with a quantitative improvement offer (with a management company to ensure maintenance costs are adequately provided for) this figure would further reduce by £86,058.7, leaving a residual of the education contribution, which can only be met by providing for 2.6 out of the 7 required primary places.

Indexed CIL charges of £178,965 have been applied.

The independent assessor has confirmed that the most significant element of the appraisal that impacts on the viability of the scheme overall are the abnormal construction costs associated with the site. For the purpose of the appraisal the applicant's allowance of £485,000 for site remediation has been made. The applicant has submitted that historic remediation costs related to the previous industrial use of £985,000 should be allowed within the appraisal. It is considered that these should be discounted in any assessment of a new proposed use for the site and these have not been allowed in the independent assessment.

Viability Results & Conclusions

The independent viability assessor has confirmed that the development could not deliver the policy target of 30% Affordable Housing. Even with no Affordable Housing the development demonstrates negative viability of -£192,473 based on a standard development profit return of 20% on Gross Development Value. The applicants have argued that given the monies already spent on previous remediation (and the need to recover some costs) that a return lower than 20% is one they are willing to absorb. Based on the assessments to date the return would be in the region of c17%.

In conclusion it is considered that it is not economically viable for the scheme to deliver any Affordable Housing, though it should be recognised that the development will contribute £178,965 of Community Infrastructure Levy subject to indexation rates and has potential to deliver approximately £30,000 of infrastructure contributions (subject to further analysis of abnormal costs). In considering this final aspect I am mindful that Environmental Health expect that the contamination issues at this site could be complex and investigation and remediation is likely to be challenging and costly. On this basis and in the interests of not putting the applicant to additional time and considerable expense to enable a definitive cost on remediation to be defined before outline planning permission is granted, I consider a legal agreement to secure a management company to manage the final agreed area of open space and £30,000 to be provided towards primary education is reasonable in this instance based on the considerations set out above.

Overall Conclusions and Planning Balance

The proposal has been submitted at outline stage for the provision of 35 dwellings on a site which, whilst originally identified within the strategic site Land South of Newark, is surplus to the requirements of the urban extension and is open countryside.

In usual circumstances residential development in the countryside would be resisted. The site is beyond the defined urban area for Newark, it fails as a matter of fact to provide for adequate required infrastructure in terms of primary education, and would not provide for affordable housing (albeit a viability exercise which has been independently assessed supports this position, as does the NPPG in terms of requiring Local Planning Authorities to be “flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability.” (NPPG, Paragraph: 019 Reference ID: 10-019-20140306).

Balanced against this is the fact that on the ground factors make it difficult to present a sustainability argument in terms of proximity of the site to a combination of the SLR, existing residential units, existing employment uses and that other land south of the SLR is limited in terms of development potential given the potential flood risk issues. Also of relevance are 2 no. recent appeal decisions nearby (in a commercial development context), the fact that the site is close to the sub-regional centre, the focus for growth across Newark and Sherwood and the need at the present time to boost housing supply in the short term until the OAN and housing target is adopted.

This case is very finely balanced and professionally has split opinion. If the position on the OAN and the Council’s housing target was a matter to which full weight could be attached the recommendation set out below may indeed be different. However, in attaching weight to a scheme which would boost housing numbers locally, which is acceptable in most other respects (save for education and affordable housing, the latter of which Local Planning Authorities are encouraged to be flexible upon seeking where viability is an issue) I am minded, in this particular context, to recommend a balanced approval. This is subject to a time appropriate condition for implementation to make clear that it is the housing numbers issue which in my view is now more balanced than ever and just tips a balance in this instance.

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement for a management company to be set up for maintenance of an area of open space and a financial contribution towards primary school place provision.

01

Applications for approval of reserved matters shall be made to the local planning authority not later than 9 months from the date of this permission.

The development hereby permitted shall begin not later than 9 months from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

Details of the access, appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

04

The development hereby permitted authorises the erection of no more than 35 dwellings.

Reason: To define the planning permission as the technical studies submitted as part of the application assume a maximum number of 35 dwellings.

05

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

No development shall be commenced until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall incorporate:

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- Management of all rainfall events on the site up to a 100year return period + 30% allowance for peak rainfall intensity increases due to climate change.
- Modelling of the site drainage system for the development to demonstrate compliance with the following requirements: no surcharge during a 1 year event, no flooding during a 30 year event, no flooding off-site or to new dwellings on the site during a 100year + 30% climate change event.

- Management of all exceedance flows during a 100year + 30% climate change event for durations from 15minutes to 24 hours. All exceedance flows should be directed away from the site boundaries and dwellings and towards the attenuation system.
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

07

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: It is likely that residual contamination may remain at the site. As such, it must be ensured that any on site drainage does not act to provide preferential flow pathways for contaminants into the ground, or the mobilisation of residual contamination.

08

The development hereby approved shall be completed in general accordance with the Flood Risk Assessment dated May 2015, Flood Risk Assessment Addendums received July and November 2016 submitted and additional information submitted in February 2017 relating to flood depths along the site access submitted as part of this application and any plans submitted as part of the reserved matters detailed under condition 2 of this planning permission shall demonstrate the following:

- Dwelling floor levels are to be 300mm above existing ground levels or the 100yr + climate change fluvial flood level whichever is the higher value.
- Any development within the flood plain that results in a loss of flood plain storage volume is to be balanced either on site (or nearby off-site) with an equivalent volume at a similar level.

Reason: To prevent the increased risk of flooding in accordance with the aims of Core Policy 10 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

09

Prior to the commencement of development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The details shall include for the retention of existing boundary planting other than that required to be removed to facilitate provision of the visibility splay to serve the vehicular access point unless otherwise agreed at reserved matters stage. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced during the next available planting season by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

010

Before the development is commenced, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

011

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and approved in writing by the local planning authority prior to vegetation clearance commencing during the specified period in this condition.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

012

Details submitted pursuant to the first application for approval of reserved matters consent shall include the further reptile survey work recommended in the Total Ecology Extended Phase 1 Habitat Survey dated September 2015. Should the additional survey work find evidence of reptiles on the site, details of suggested mitigation to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed mitigation shall be carried out prior to the occupation of the first dwelling on the site and retained thereafter.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

013

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the

scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

014

The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, surfacing, street lighting and drainage (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

Reason: To ensure the development is constructed to adoptable standards.

015

No development shall be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development in areas away from the boundary with the adjacent Local Wildlife Site)
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

016

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

017

No development shall be commenced until a pre-commencement walkover survey for evidence of badgers on the application site has been undertaken as recommended in Section 5.3 of the Total Ecology Extended Phase 1 Habitat Survey dated September 2015. A report on the walkover survey shall be submitted to and approved in writing by the local authority prior to commencement of works with details of any mitigation measures should any evidence of badgers be found. Once

development commences, best practice methods during construction shall be followed to protect any animal which may enter any excavations. Trenches shall be covered overnight, or a ramp or other means of exit should be provided. Pipes over 150mm in diameter shall also be capped off.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

Informatives

1.

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

2.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

- a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

3.

Your attention is drawn to the attached comments of the Trent Valley Internal Drainage Board dated 1st October 2015.

4.

The Environment Agency comments provided as part of this application have been based on the current best available data. Studies are currently underway that may change the flood mapping in this area but it is not yet known how. The Environment Agency would also be reluctant to support any development in the area to the East which is currently defined as floodplain in the location plan.

5.

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

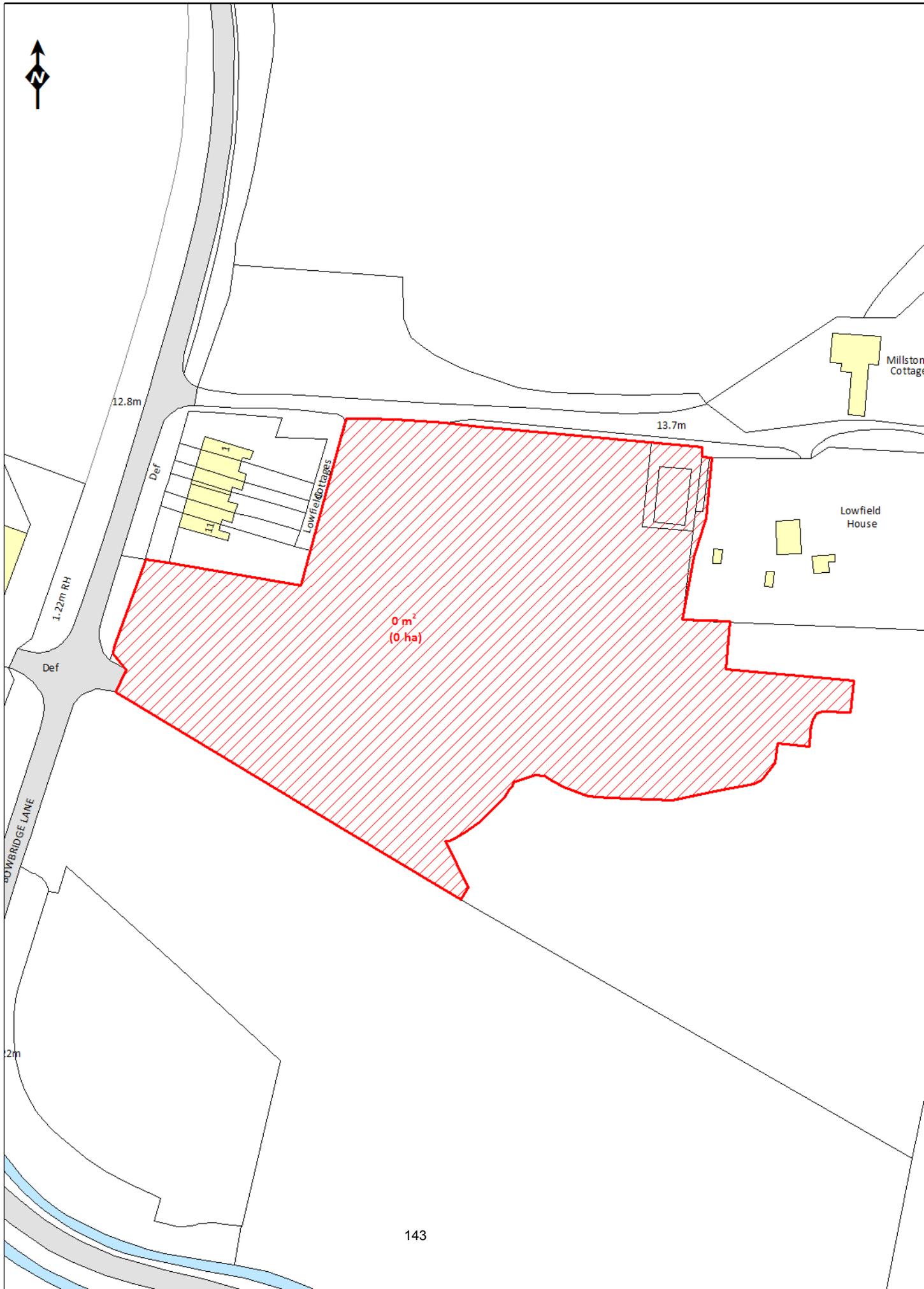
Background Papers

Application case file.

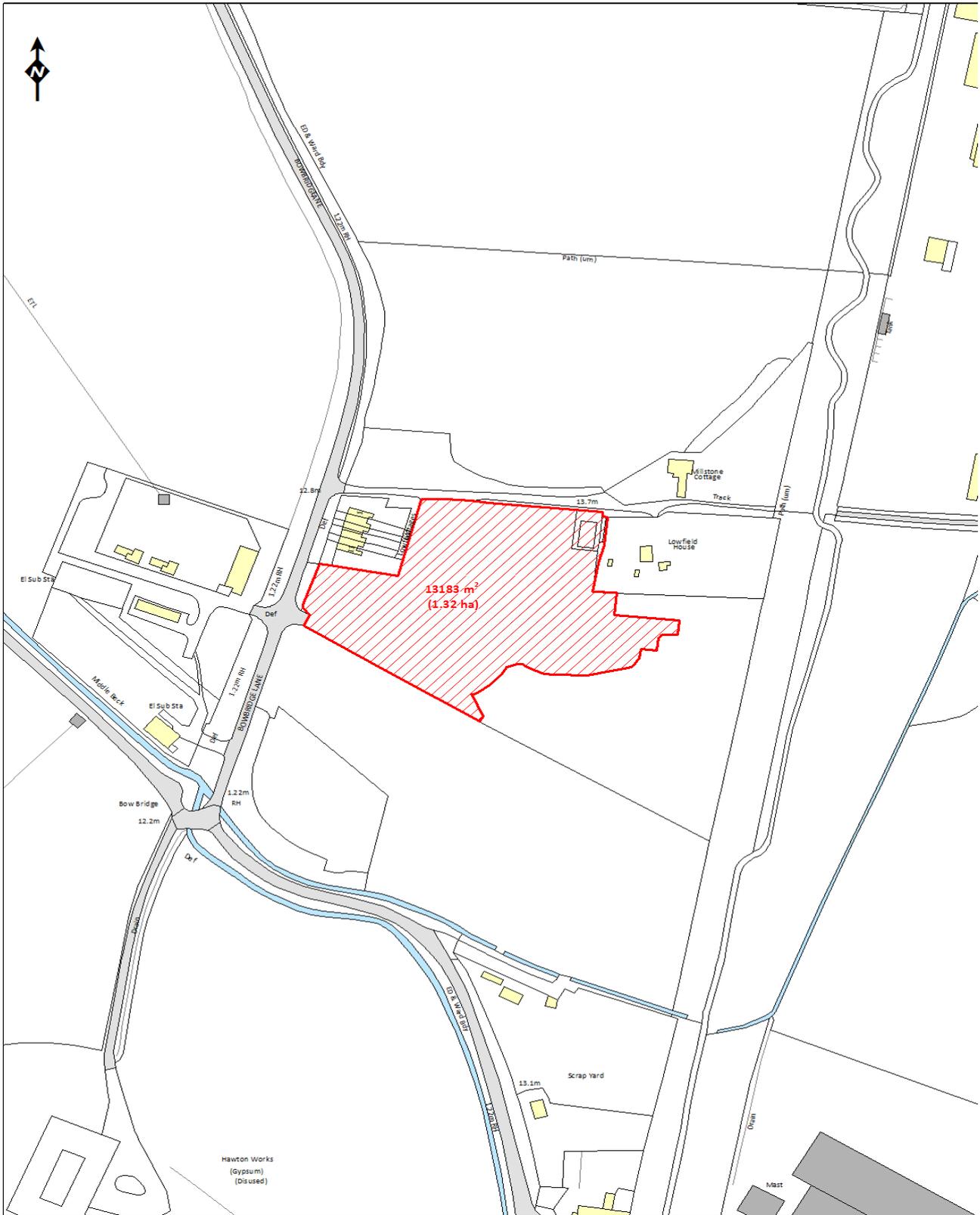
For further information, please contact Martin Russell on ext. 5837.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive



Committee Plan - 15/01250/OUTM



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	15/01295/FULM
Proposal:	Proposed residential development of 38 dwellings and conversion and extension of existing residential property to form 12 supported living units.
Location:	Springfield Bungalow Nottingham Road Southwell Nottinghamshire
Applicant:	Mr Christopher Holroyd and Mr Steve Shatwell
Registered:	24th July 2015 Target Date: 23rd October 2015
	Extension of Time Agreed until 30th April 2017

The application is returned to Planning Committee following the receipt off a revised site location and site layout plan and in line with the Council’s Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation. Changes to the previously presented report are shown in bold italics for ease of reference.

The Site

This application relates to circa 1.92 hectares of land situated on the western side of Nottingham Road at its junction with Halloughton Road on the southern approach into Southwell. It consists of a detached bungalow (Springfield Bungalow) and associated land to the rear which abuts the rear gardens of the existing dwellings on Halloughton Road to the north, open countryside to the west and the detached property, Springfield House and its associated land to the south.

The gradient of the site rises steeply by some 14m towards the western boundary.

The immediately adjoining properties to the north and North West of the site are a mix of single and two storey detached dwellings. No.s 36 and 38 Halloughton Road are detached bungalows and adjoin the proposed access.

The adjoining property located immediately to the south of Springfield Bungalow, Springfield House, is a large two storey detached dwelling.

The site lies to the west of the Conservation area boundary within the Southwell Protected Views corridor. The site is allocated in the Newark and Sherwood LDF Allocations and Development Management DPD (2013) for housing development - Southwell Housing Site So/Ho/2.

Relevant Planning History

Planning permission was refused for the erection of a residential development - 92/51034/FUL

Planning permission was refused in 1994 for the erection of 18 bungalows – 94/51619/FUL. This

was dismissed on appeal.

Members resolved to grant planning permission subject to the delegation of planning conditions to Matt Lamb the Growth and Regeneration Business Manager in consultation with Councillors Blaney and Handley and to the signing and sealing of a S106 Agreement. The wording of the conditions was agreed at Planning Committee on 6th September 2016 and the S106 is currently being drafted.

The Proposal

The proposal remains as previously outlined in the planning committee report as follows:-

Full planning permission is ~~currently~~ sought for:-

Residential Development

The erection of 38 no. dwellings comprising:-

- 19 no. 3 beds
- 16 no. 2 beds
- 3 no. 1 bed

5 individual house types are proposed as indicated on the schedule of development shown on the proposed layout of development.

House Type A (plots 1-12) – forms two storey pairs of dwellings of a traditional design which have overall maximum dimensions of circa 10.8m width, 8.5m depth and 8.6m height.

House Types B (plots 13-18) - forms a terrace of two storey properties of a traditional design with an overall footprint of circa 21.5m x 22m and a maximum height of 10m

House Type C (plots 19-23) – forms 5 dwellings attached by their garages of a contemporary asymmetric design which measure circa 11.5m width, 12m depth and a maximum height of 9.2m;

House Type D (plots 24-29) – forms split level pairs of semi detached properties which are 3 storey to the front and two storey to the rear which have maximum dimensions of circa 6m width, 9.6m depth and 11.5m height;

House Type E (plots 30-38 (excl. plot 34) – form 2no. terraces of properties each of which have maximum dimensions of circa 8.5m width, 18.5m depth and 9m height;

House Type F – forms a two storey dwelling with garages at ground floor and undercroft providing access to rear parking which has maximum dimensions circa 13m width, 6m depth and 7.7m height.

Bungalow

The development comprises the demolition of the central section of the existing L shaped

bungalow to create 2 linked elements (buildings 1 and 2) together with:-

- The erection of a two storey extension to the north of building 2 to create 6 no. bedrooms with bathrooms and which will have maximum dimensions of 15m depth, 8m width and 8.5m height; and
- The erection of a two storey extension to the south of building 2 to create 6 no. bedrooms with bathrooms which will have maximum dimension of 12.5m depth, 10m width and 8.5m height.

A statement has been deposited with the application which outlines how the independent living units would be operated by Reach, a local charity for disabled children. The accommodation would operate as supported living rather than residential care. Qualifying residents will select their own care provider and may live independently of each other within the unit.

The residential development would be served by a vehicle access located between no.s 34 and 36 Halloughton Road whilst the supported living units would be served by the repositioned vehicular access which serves the existing bungalow on Halloughton Road.

The Planning Application has been submitted with the following supporting documents: -

- Planning and Heritage Statement
- Design and Access Statement
- Landscape Visual Impact Assessment (LVIA)
- Topographical survey
- Tree Survey
- Tree Survey Addendum
- Flood Risk Assessment
- Foul and Surface Water Drainage Strategy
- Ecological Phase 1 Survey
- Ecology Update
- Transport Statement Part 1 and 2
- Artist Impressions

During the assessment of the application, additional information, drawings and images have been submitted in relation to the LIVA, flood risk, foul water and surface drainage, trees, ecology, and highways. Amended plans have also been received which include the provision of a visibility splay at the access to the proposed residential development, minor revisions to the internal pavements and drainage channels within the residential development, the revised position of the access to the proposed supported living units and a revision to the site boundary line along the southern boundary with Springfield House.

Since planning committee in June and September 2016 an amended site location and site layout plan have subsequently been submitted which revises the position of a section of the east boundary of the western portion of the site with Springfield House to the and immediately adjacent to an area of parking. This would result in the loss of a strip of landscaped buffer zone along this boundary.

Departure/Public Advertisement Procedure

Occupiers of 71 properties were individually notified by letter. Two site notices were also displayed near to the site and an advert has been placed in the local press.

Neighbours and interested parties have been reconsulted on the revised plans received in January 2017

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 7: Sustainable Transport
- Core Policy 1: Affordable Housing Provision
- Core Policy 3: Housing Mix, Type, and Density
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14: Historic Environment

Allocations & Development Management DPD

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2: Development on Allocated Sites
- Policy DM3: Developer Contributions and Planning Obligations
- Policy DM4 - Renewable and Low Carbon Energy Generation
- Policy DM5: Design
- Policy DM7: Biodiversity and Green Infrastructure
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM12: Presumption in Favour of Sustainable Development
- Policy So/PV: Southwell Protected Views
- Policy So/HN/1: Southwell Housing Need

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG) 2014
- Newark and Sherwood Developer Contributions and Planning Obligations SPD, 2013
- Newark and Sherwood Affordable Housing SPD, 2013
- Southwell Conservation Area Appraisal July 2005
- Newark and Sherwood Landscape Character Assessment SPD December 2013
- Southwell Neighbourhood Plan 2016-2025 (2016) – **This document has now been adopted**

DH3 – Historic Environment
E1 – Flood Risk Assessment and Mitigation
E2 – Flood Resilient Design
E3 - Green Infrastructure and Biodiversity
DH3 – Historic Environment
HE1 – Housing Type and Density
SS2 – Land South Halloughton Road
TA3 – Highways Impact
TA4 – Parking Standards

The Southwell Neighbourhood Plan (SNP) has been through a process of independent examination which has culminated in an Independent examiners report concluding that, subject to the examiner's own recommendations, the plan meets the basic conditions and can proceed to referendum. Following their meeting on 20 April 2016 Southwell Town Council have requested that the plan be put to referendum in accordance with the examiner's recommendations at the earliest opportunity. This was also supported by this Authority at the Council Meeting on 17th May 2016, with an agreement that electoral services commence a referendum as soon as practically possible after August 2016. It is clear that both the LPA and Town Council are supportive of the content of the plan. It cannot carry full weight until the referendum is concluded and plan adopted. It is however a significant material planning consideration for the purposes of negotiating planning applications.

Consultations

Additional comments received following reconsultation on the revised site location and site layout plan are in bold italics for ease of reference:-

Southwell Town Council –

Initial comments raised are summarised below:-

- Flood assessment is flawed - The conclusion of the FRA is unfounded and FRA is a flawed document that is inadequate for planning application assessment purposes due to lack of information and preparatory work by the developers. It presents conclusions that are not warranted.
- Insufficient parking provision for residential development and supported living accommodation
- Pedestrian and highway safety – there is a history of accidents at the entrance to Halloughton Road – issues with poor access and poor visibility
- Safety issues in relation to attenuation pond and swales
- Visual impact and poor transition of the rural area into the town
- The development does not include opportunity of open space within the site
- Impact on amenity for neighbouring residents in terms privacy and overbearing impact by virtue of the proximity of development to site boundaries

- The capacity of the drainage/foul water systems to deal with 2 new major housing developments (Springfield d Bungalow and Becketts Field developments)

Following reconsultation the following comments were received:-

- Issues with land ownership at Springfield House boundary

the amended FRA remains flawed:- Soil testing has not been carried out to determine permeability, no investigation has been carried out to determine groundwater sources in or feeding water across the site, no details have been provided of proposed site drainage systems permeable paving will reduce in effectiveness over time and no consideration has been given to safety measures or maintenance requirements or who would fund such maintenance for any part of the proposed system

- The photomontage fails to address the issue of visual impact on the historic view and shows that the roof lines of the 3 storey properties would actually block the view
- There is a lack of information available to the public regarding viability
- Inaccuracies with plans and information submitted particularly with regards to the landscape buffer zone
- As there may be further impact on this development in terms of flooding, highway problems etc. created by the neighbouring development which cannot be ascertained until this development is completed, and as such the plan application for this proposed site at Springfield Bungalows should be postponed until then.

The following additional comments were also received:-

Reference is made to the conclusion of an Inspector in 1996 in dismissing a previous appeal against the refusal to allocate the site for development as it was considered that this would cause demonstrable and unacceptable harm to landscape setting and that if a special exception were to be made for affordable housing it would be difficult for the council to resist general housing.

The following subsequent comments were also received:-

- Previous comments reiterated
- The application should be refused
- Questions regarding land ownership should be resolved prior to determining the application
- If permission were to be granted then suggested conditions regarding visibility splays and landscaping should be attached.
- Reference is also made to the lack of children's play area which the developer has omitted because of viability. This cannot be challenged as the viability assessment has not been made public.

It was agreed unanimously to object to the application as follows and request that Cllr Bruce Laughton call in this application to NSDC.

Following the new information regarding the NCC decision not to adopt the road, it continues to be impossible to construct splays according the NCC Highways guidelines to create a safe exist for cars and pedestrians from the site.

In addition there is a drainage ditch/swale which is 1metre wide x 15cm deep and this further reduces the width available to create a two lane exit and a pedestrian pavement.

The movement of the southern boundary to coincide with the ownership of Springfield House means there is now insufficient room to create a screen, which was one of the original requirements of the Neighbourhood plan. This screen would ensure the protection of the view to and from of the Minster and the view of the gateway to Southwell.

***According to a Government Directive on flooding where the Minister of State, states:-
Where a local authority considers it necessary to build in a flood risk area, and there are no suitable and available sites with a lower risk of flooding, then new housing should be made safe and resilient, without increasing the flood risk elsewhere.***

The flood overall site flood risk has still not been re addressed and there are insufficient details of the proposed French drains, swales and balancing ponds. Refer to NP Policies E1 Flood Risk Assessment and Mitigation and E2 Flood Resilience

The Southwell Flood Forum technical services group have commented that the facilities for draining off fluid are not sufficient for eliminating drainage outside the area.

On the plan of the application adjacent houses are shown incorrectly and in reality their privacy is compromised, and this is not evident from the erroneous position on the plan. Halloughton Road is already a very busy road and by many considered unsafe, this development will make the situation worse.

Southwell Civic Society –

Initial comments raised are summarised as follows:-

- The Society supports the conversion of Springfield Bungalow into 12 supported living units.
- Objection is raised to the speculative 38 dwellings on following grounds:-
- Flooding

The flood report should take account of the recommendations of the NCC Flood mitigation plan for Southwell

Ground water issuing from springs - The report contains no evidence of the expertise of a qualified hydrologist / hydro-geologist. Until accurate flows of water can be calculated and the manner of their disposal demonstrated planning permission should be withheld.

The flood report offers only generalized concepts and does not offer detailed solutions to how site drainage would be dealt with e.g adequacy of the swales, where water issuing

from springs will go, water discharging from the attenuation ponds, overflow to the swales, management of the suds drains.

Surface water seems to be fed into combined sewer on Halloughton Road. There is no evidence that STW agree to accept an surface water from the site.

- Design

The proposal for smaller house types is welcomed

The layout is regimented and akin to city centre development

There is a lack of variety in the house types

Poor roofscape design to plot 19-25

- Parking

Parking Provision does not meet the requirement of the SNP – 8 more spaces are needed

- Parks and amenities

No children play area is provided as required by the SNP

Disagree with Parks and Amenities Manager's comments that the developer should provide "a commuted sum towards off-site provision/improvements and maintenance of children and young people's playing space in the vicinity of the development – location is not defined. If unavoidable a location should be agreed with STCV

No details have been provided of how the amenity areas have been calculated

- Environmental Matters

The surveys do not include the Springfield Bungalow site

The conservation and retention of all sound trees and the hedges on the site, particularly on the roadside boundary must be subject to a planning condition in the interests of biodiversity, amenity and landscape.

The ecological survey lacks clarity and objectivity as required by the NPPF

- Other Matters

The carports/garages are situated too close to number 34 Halloughton Road. They will be only some 4 to 5 metres from the living room windows. The residents will be subject to the noise of slamming doors etc. The artist's impression hides these buildings with large mature trees. These trees will be overbearing to the residents.

There is no access for maintenance in the southeast corner of the site.

The bin stores for plots 31/32/37 and 38 have no direct access to the road.

Following reconsultation the following comments have been received:-

- Previous comments are reiterated

- The flood report still falls short and offers only generalised concepts
- No details of the proposed French drain are included and it is impossible to construct without entering adjacent properties.
- Detailed calculations and drawings are required so that local residents can be confident that the scheme is satisfactory
- The roof scape of the 3 storey properties will impact on views of the town and the Minster. These houses should be bungalows

Further additional comments have been received as follows:-

- Reiterates previous comments
- Ground water problems should be fully resolved prior to or if permission is granted

NSDC Environmental Health – No comments are made

No additional comments are made

NSDC Environmental Health Contaminated Land – No observations from a contaminated land perspective are made.

No additional comments are made

NSDC Conservation – Initial comments raised noted that the proposal site does not include any designated heritage assets. However, due to its location at the entrance to the town along Nottingham Road, the scale and form of the development is capable of affecting the setting of designated heritage assets, including Southwell Minster, Holy Trinity Church and Southwell Conservation Area (CA).

Legal and national and local policy considerations and were outlined

Assessment of proposal

The proposal site was identified as a Housing Allocation site (ref So/Ho/2).

Although not within Southwell CA or directly adjacent to any listed buildings, the proposal site falls within the Southwell Protected Views boundary (So/Pv) which aims to ensure that development respects the wider setting and context of, amongst other assets, the landmark Grade I listed Minster and Grade II listed Church of Holy Trinity. Furthermore, the gateway location of the proposal site and its proximity to the Southwell CA are material considerations in this case.

The layout of the proposal preserves the wider setting of the CA. The proposal site is located to the south of Halloughton Road which is otherwise a modern 20th century residential area. The green infrastructure screening the proposal site from Nottingham Road and the general appearance of development along Halloughton Road combines to ensure that the proposed new development is unlikely to be unduly prominent when appreciated from the southern end of the CA. It is also noted that the approval for the Miller Homes residential development changes the

dynamics of the CA at the entrance to the town, and in this context it is not envisaged that the proposals will exacerbate any adverse impacts on the immediate setting of the CA.

Nevertheless, the Minster and Church of Holy Trinity are important landmarks within the townscape, and views towards these monuments is a significant aspect of their setting, e.g both the Halloughton Wood walk offers views of the surrounding area and the footpath from Cundy Hill in the southwest on the approach to Halloughton Road, offer views of the Minster and spire of Holy Trinity, and in this context, the proposal will have an impact on the experience of passing through the rural setting of the town.

It is accepted that the topography of the site and surrounding land is such that impact is often minimal from material receptors, e.g. impact is very limited from the north and north east due to existing building lines, and views from Nottingham Road and the Brackenhurst area are similarly restricted by tree screening and topography. Proposed buffer zones along the southern and western boundary of the site will also help to reduce impact.

However, the lack of superimposed modelling or wireframes in the LVIA makes it difficult to be certain that the development has the limited impact argued within the submission. In forming an opinion on landscape impact on the setting of the Minster and Church of Holy Trinity, it is important that the Council is certain that the scale of the development is compatible with the surrounding area when seen from the southwest (particularly given the use of 3 storey dwellings within the proposal). For example, when utilising Viewpoint 5 from the LVIA, the existing bungalow provides a useful indicator that new development of the scale proposed could have a more significant impact that argued within the general submission. That is not to say that this impact is negative (assuming that the primacy of the landmark Minster and Church of Holy Trinity is sustained).

Notwithstanding this, there are many positive aspects of the proposed scheme. The layout of the site is appropriate (noting the desired density outline in the Allocations Policy), and the proposal expresses many encouraging aspects of good urban design within the form and appearance of new dwellings. The use of timber joinery and appropriate local materials is welcomed furthermore.

Conservation requested illustrative modelling of the proposal in views from the footpaths to the south and southwest (notably Viewpoints 3, 4 and 5 within the LVIA). A wireframe or indicative imposed montage would suffice.

Following the submission of additional landscape information as requested the following comments have been received:-

Having reviewed the additional landscape work undertaken, on balance Conservation are now satisfied that the proposal is unlikely to have a significant detrimental impact on designated heritage assets within Southwell, notably the landmark churches of Holy Trinity and the nationally significant Minster.

This is not to say that there is no impact. Certain aspects of the proposal have the potential to impact on wider glimpses of the Minster and other listed buildings when seen in aspect from local walking routes. However, the additional landscape work demonstrates that this impact is not substantial, and combined with appropriate landscape proposals, will not be unduly prominent to the historic environment in this case.

In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the setting of listed buildings, notably Southwell Minster, a Grade I listed building.

Should the decision-maker feel that there is any adverse impact to the setting of designated heritage assets, it would equate to less than substantial harm for the purposes of paragraphs 132-134 of the NPPF, and in any case, moderate harm at that. It is nevertheless considered that the decision-maker is entitled to weigh the public interest in addressing housing needs in the area against any harm to designated heritage assets.

Reference is made to previous comments

NCC Archeology - There has been so little archaeological work done. If there is archaeology in here, it could be significant. I am inclined to recommend that the overall archaeological sensitivity of Southwell and its environs justifies imposing a condition which allows for a level of archaeological supervision over groundworks. A flexible approach would allow for the supervision to be scaled back if initial work demonstrates low archaeological sensitivity, or enhanced if initial observations identify archaeological features. A condition such as the following may be appropriate.

"No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the CPA."

"Thereafter, the scheme shall be implemented in full accordance with the approved details."

No additional comments have been received

NCC Education - the proposed development of 38 units would yield an additional 8 primary and 6 secondary places. Based on current projections, the primary schools are at capacity and cannot accommodate the additional 8 primary places arising from the proposed development. We would therefore wish to seek an Education contribution of £91,640 (8 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

No additional comments have been received

Ramblers – providing that the integrity of Southwell Footpath 81 is maintained no objections are raised.

Reference is made to previous comments

NCC Policy – outline the national policy contexts **County Planning Context is outlined as follows:-**

Minerals

The south western corner of the site lies within a Mineral Safeguarding and Consultation Zone for brick clay. However, as the site is bounded by existing residential properties to the north and east, the likelihood of brick clay extraction is very limited. The site is also partly brownfield land. In this instance the County Council would therefore not raise any issues in terms of mineral safeguarding.

Waste

As a housing development the County Council would be keen to see the best practice of waste management for the development.

Travel and Transport

Bus Service Support

At this time it is not envisaged that contributions towards local bus service provision will be sought.

Infrastructure

The County Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.

Ecology

Site context

No impact on any statutorily designated sites is likely

Surveys and assessment

Two inspections have been carried out in support of the scheme together with a tree survey. The following comments are provided on these surveys:

- Whilst a desk-top study has been carried out, a consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC) would be expected. This needs to be undertaken, as it may flag up the presence of protected and/or notable species in the area which require consideration.
- It is stated that the site supports suitable habitat for reptiles, but because none were seen on the site surveys, these are considered unlikely to be present. However, it is not surprising that no reptiles were seen. Therefore, on the basis that the site supports suitable habitat for reptiles, and in order to allow the impacts of the proposals to be properly adjudged (and for any mitigation that may be required to be secured), it is requested that a full reptile survey is carried out, prior to the determination of the application.
- Clarification is requested regarding the status of the poplar tree (identified as T3) in the tree report, and whether it is needed to be felled to or not to facilitate the development, given that it has been assessed as having 'Moderate' potential to support roosting bats.
- It is apparent that the site covered by the ecological survey differs from the proposed site layout; no ecological or tree surveys have been carried out on the eastern portion of the site, where the existing bungalow is located. An ecological survey is required of this area to investigate its potential for roosting bats in the vegetation and buildings, and to identify any other ecological issues.

Ecological mitigation and enhancement

It is recommended that the production of a detailed landscaping scheme is secured through a condition, to show the extent and type of habitat creation that will be occurring to the west of the site and to ensure that the biodiversity value of the wider site is maximised, noting that native species of tree and shrub appropriate to the local area should be planted, and that swales and balancing ponds should be sown with wildflower seed mixes and/or planted with suitable native wetland plant species.

Further conditions should be used to require the submission of details relating to i) the protection of retained vegetation during construction, to include trees and boundary hedgerows, and ii) the installation of bird and bat boxes within the fabric of the new buildings.

Finally, a standard condition should be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive.

Landscape and Visual Impact

The site appears to be an allocated housing site under Newark and Sherwood District Council's Local Plan, and although the GNLCA Policy Zone action is Conserve and Reinforce, it does recommend a new settlement is located on the edges of Southwell.

The Landscape and Visual Impact Assessment (LVIA) is generally carried out to current guidelines and in principle the County Council do not have any objections to the development. The site layout shows a buffer zone of vegetation around the southern and western boundaries of the site which theoretically will provide a substantial screen and Green Infrastructure to assist with the assimilation of the development into the southern boundary of the town.

The County Council have concerns about this – the LVIA and layout note that the existing boundary vegetation will be gapped up and enhanced yet the tree survey fails to show any substantial vegetation on the boundaries. In addition, the buffer zone appears to be only about 6-7 metres wide, which is only wide enough for one tree when established; canopies will overhang adjacent gardens and homeowners may be tempted to cut back trees that are casting shade, especially on the southern boundaries.

There is a sizeable area of non-developed land allocated as 'The Square'; it is suggested that all the public realm open space might be better located on the southern boundary of the site to ensure any trees planted for screening are well away from the housing.

Conclusion

The County Council do not wish to raise any objections to the proposed development from a Minerals or Waste perspective.

In terms of Travel and Transport, the County Council do not envisage that contributions towards local bus service provision will be sought. In addition the County Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.

In terms of Ecology, objections are raised, however, a number of conditions and surveys, as set out in detail above are requested, if planning permission were to be granted.

The County Council do not have objections in principle to the proposed development from a Landscape perspective however do raise concerns in relation to boundary/screen proposals, as set out above in further detail.

No further comments are offered.

Nottinghamshire Wildlife Trust - We have reviewed the documents available, particularly the Ecological Surveys and Proposed Layout, and wish to provide the following advice:-

Habitats

The Site was originally surveyed in 2012, with the most recent report submitted in November 2015 (CBE Consulting). Onsite habitats were considered to be of low ecological value and consisted of species poor semi-improved grassland, ruderal vegetation, dense areas of bramble, scattered hawthorn and boundary species-poor hedgerows and trees.

However, grassland is recognised as a habitat of value to wildlife, as even “improved grassland” is included within the Nottinghamshire Local BAP habitats of Farmland habitats. This is because areas of rank grassland provide niches for a range of invertebrate species, small mammals and hunting opportunities for birds of prey (including barn owls). Hedgerows are also a Nottinghamshire and UK Local BAP habitat (a priority species under Section 41 of the Natural Environment and Rural Communities Act 2006) as even species poor hedgerows can provide nesting and foraging opportunities for wildlife. As you will be aware, the NERC Act also creates a duty for every public authority to conserve biodiversity including through the planning process. The duty is not simply to avoid harm, but includes active restoration and enhancement i.e. conservation. As such, the presence of this habitat should be a material consideration.

Noting the nearby development on Nottingham Road it is advised that the LPA does do not consider this application in isolation, as the proposed could result in a further net-loss in the area of semi-natural habitats within the immediate local area, which is dominantly an intensive arable landscape.

Bats

The majority of trees are proposed to be retained. The trees were identified to have low to moderate potential for roosting bats. It is recommended in within the Ecological Appraisal that the poplar tree within G3 should be checked again for roosting bats prior to removal as a precautionary measure. This should be set as a condition.

Breeding Birds

No demolition or vegetation clearance should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). This should be set as a condition.

Other Species

Hedgehogs have been the subject of a scientific within the Southwell area, and the onsite habitats could be suitable for this species. Hedgehogs are listed within Section 41 of the Natural Environment and Rural Communities Act 2006, and as such, should be a material consideration. Working methods will need to follow best practice regarding badgers and mammals.

Mitigation, Enhancements and Landscaping

From the revised proposed landscaping plan (drawing no ref 12/1889/101 E) it is our understanding that the hedgerow boundaries adjacent to the open countryside will not be included with the proposed residential gardens. This is welcomed, although we would also advise the following ecological mitigation/enhancements:

- Fencing to allow passage of small mammals, so that there is not a significant net-loss of habitat area to species such as hedgehog.
- The area of proposed wildflower meadow is welcomed. If not provided prior to determining the application, further details of the proposed grassland seed mix and the long term management will also need to be provided prior to works commencing. Due a

potential loss in habitat area, we wish to encourage the applicant to include the meadow planting/species rich grassland as much as possible within the development (for example, including in “The Square”).

- Planting of native hedgerow flowers could also benefit pollinators.
- Enhancement of swales to benefit wildlife, by providing areas of continuous standing water and appropriate planting of native species of a local provenance.
- Installation of bird and/or bat boxes on retained trees.
- The planting of native woodland is welcomed. This should include species of a local provenance suited to the Landscape Character Area.
- Other planting onsite should include dominantly native species.
- Management of hedgerows should be undertaken in an ecologically sensitive manner. Only one third of (the total length of) hedgerows onsite should be cut each year, on a three year rotation. These should be cut in January/February, outside of the bird breeding season, and to allow wildlife to utilise the winter berry crop. Cutting hedgerows into an “A” shape will prolong the life of the hedgerow and create denser cover for wildlife.

If you are minded to grant the application, we would expect detailed landscaping design (a planting plan) and a Habitat Management Plan to be conditioned.

No additional comments received

NCC Lead Local Flood Authority – the following observations were initially made in relation to the initial FRA document which are summarised as follows:-

Executive Summary -

- Calculations have omitted the sloping landscaping areas. These will contribute flows so need to be included. The storage volume is undersized at the present time.
- The site is steeply sloping – there’s a pluvial flood risk to the site and from the site.
- Percolation testing might be a futile. Soakaway drainage is probably not going to be a suitable method for disposal of SW on this site.
- The routes for the ‘land drainage’ scheme have not been defined. Considering the shape of the site and local conditions, this needs to be addressed.

4.0 – Sources of Flooding:-

- Groundwater flooding is a risk. The site apparently has some history of flows from springs. Needs further investigation.
- Pluvial flows from off site (further up the hill) need to be considered as these will continue to flow towards and through the site post-development.

5.0 – Proposed Development:-

- 5.8: if the site drainage is properly designed it might be possible to reduce the flood risk to 3rd parties as water flows would be attenuated. I doubt that infiltration drainage would work efficiently on the site.
- 5.13: the storage volume appears to be too small – the engineer has used the full site area to generate the run-off rate but only used the impermeable area to generate the storage volume. This needs to be corrected. I’d expect closer to 500m³. This volume would need to be stored underground I think. I don’t see how the site layout can incorporate this at the present time.

- 5.14: interception of the groundwater is fine in principle but where will it flow to once intercepted? This should not go to the sewers. Ideally it would be routed to a nearby watercourse or diverted around the new buildings and released at the site boundary in the position where it exits at the present time. –perhaps the springs could be incorporated as a feature. Seasonal watercourses?
- 5.16: Flows should be attenuated and stored as required within the site boundary.

7.0 Assessment of Flood Impact - There are a lot of unknowns here and the site flood risk assessment and drainage design requires some more work to establish the broad design rather than simply a statement of principles as exists at the present time.

8.0 - At the present time, I would question whether the flood risk would be reduced from the site as I don't think there's enough storage. Additionally, the flood risk should not be considered as 'low' until some of the outstanding questions have been addressed.

Following the submission of a Flood Risk Addendum the following comments have been received:-

Having considered the application the LLFA do not object to the development and we are satisfied that the proposed drainage strategy meets the aims of the NPPF and would not create a risk of increased flooding to 3rd parties.

- 1 The following comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3rd party properties both adjacent and at distance from the proposed sites.
- 2 The site **is not shown** within an area indicated on contemporary records as susceptible to fluvial flooding.
- 3 The site **is not shown** within an area indicated on contemporary records as susceptible to pluvial flooding.
- 4 We would ask that the pre-commencement condition is added to any planning permission for the site requiring the following in respect of detailed drainage designs in accordance with the Flood Risk Assessment and the Flood Risk Assessment Addendum dated 18/12/2015.
- 5 The underground piped drainage design should be in accordance with Sewers for Adoption 6th or 7th edition (as appropriate) design standards.
- 6 There should be no surcharge of pipes in a 1 year storm, no surcharge in a 30 year storm and no flooding outside the site boundary in a 100year + 30% climate change storm.
- 7 The drainage design is to provide containment for all rainfall events up to a 100 year return period + 30% peak rainfall intensity increase to allow for potential climate change with the flow throttled to the Qbar rate of greenfield run-off.
- 8 The designer should demonstrate this condition is met for all storm durations from 15 minutes to 24 hours to establish where flooding may occur on the site.
- 9 These areas of flooding must be directed away from the site boundaries, new dwellings

and 3rd party properties and must be directed towards the surface water attenuation scheme.

- 10 The site levels, plot design and highway design should be configured to enable this design requirement to be achieved.
- 11 Calculations to be submitted using contemporary drainage software.
- 12 The drainage design drawings and calculations to be submitted for written approval.

No additional comments have been received

NCC Highway Authority - Initial concerns raised related to the access on Halloughton Road and the access Springfield Bungalow, the intensification of traffic using the existing access and the levels of visibility, existing footways, the provision of a suitable crossing and parking on Halloughton Road. With regards to the internal layout of the development concerns were raised with regards to the road layout and footways, adoption of the SudSs, lack of details of structures shown bridging the swales, parking and future maintenance.

The requirements of the Planning Obligation Strategy were outlined. The HA considered that improvements to public transport facilities could be carried out which related to the development and were in the vicinity of the site. Suggested improvements related to bus stop improvements on Nottingham Road. Details of the required financial contribution towards sustainable transport methods were outlined.

It was concluded that on the basis of the available information and due to the drawings showing unsatisfactory proposed and existing highway details, the Highway Authority were unable to support the proposed development as submitted and the applicant was advised to submit an amended site plan that addressed the issues and provided correct information which would allow further formal comments.

Notwithstanding this a number of informatives were suggested in relation to offsite works on the highway, adoption, payments and commuted sums, codes of practice, permits and bus stop enhancements.

Following the receipt of revised layout drawings the following comments have subsequently been received:-

The principle of this development is acceptable but there remains some outstanding issues that require clarification before approval can be fully endorsed. The Planning Authority may however consider that these issues can be covered by conditions which are suggested below.

The most major of the issues is highway drainage. NCC would not adopt the swales and therefore would seek to have highway surface water drain to a publicly-maintained system. Alternatively, if the swales were to be adopted by the District Council, this position could be reconsidered

Because NCC will not be adopting the swales and/or open space, the limit of highway adoption will be restricted in 'The Square' to the inner kerblines plus a hard-paved strip of, ideally, 1 metre in width for maintenance purposes. This may require minor layout amendments.

Suitably placed dropped kerb crossing points will be required at the main residential access junction with Halloughton Road, but this may be covered by the Section 38/278 Highway Adoption Agreement.

In line with County Council's Planning Contributions Strategy, improvements to the local bus infrastructure are sought in lieu of payment to promote sustainable travel. These improvements would include:

NS0952 Leisure Centre – Bus Stop Pole, Bus Shelter, and Additional Hardstanding. It is suggested that a scheme of improvement should be achieved by the planning condition and notes below.

The following conditions are suggested:-

- No part of the residential development hereby permitted shall be occupied until all associated drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
- Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.
- The new shared private driveway serving Springfield Bungalow shall be laid out to a width of not less than 4.8 metres for at least 10 metres back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance in accordance with the approved plan. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.
- Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area; all in the interests of Highway safety.
- No part of the Supported Living Units hereby permitted shall be brought into use until the new dropped vehicular verge crossing serving Springfield Bungalow is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- No part of the Supported Living Units hereby permitted shall be brought into use until the existing site access serving Springfield Bungalow that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
- No part of the residential development hereby permitted shall be occupied until visibility splays of 2.4m x 43m (minimum) are provided at the junction with Halloughton Road.
- No residential unit or 'supported living unit' hereby permitted shall be occupied until its associated private access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the

public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

- No part of the development hereby permitted shall take place until details of the drainage and outfall proposals for the new residential access road have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

The Highway Authority has confirmed that these comments stand in relation to the latest revised site layout drawings.

No additional comments have been received

NSDC Policy – Initial comments outlined the relevant national and local planning policy context the context of the SNP and the weight afforded to its policies, the establishment of the principle of residential development in this location, the number of dwellings proposed and the density of the development and the Southwell Flood Risk Position.

The main issues of strategic importance were identified as being the level and nature of development proposed, the appropriate management of the gateway location, the acceptability of any impact on views of heritage assets, the need for positive management of surface water, the provision of suitable highways arrangements, the proposed housing mix and the approach the applicant is suggesting to the affordable housing requirements.

With regards to the level and nature of the development, the supported living units would not contribute to meeting the towns housing requirements and therefore the proposal would fail to meet the indicative level of development noted in the allocation policy. It was not disputed that the supported living element would likely help meet the requirements of a specific section of the community and provide a public good. The resultant shortfall in development would however be considered to be modest and would not risk the meeting of settlement wide housing requirements, given the specifics of the application and the site. No objections were therefore raised to the inclusion of the supported living units as part of the wider scheme, purely on the basis that it results in a marginal shortfall of development.

Gateway Location

The acceptability of design, density and layout together with the details deposited and the effectiveness of the proposed landscaping and screening were deferred to the planning officer.

Protected Views and proximity of the Conservation Area

Although an LVIA has been deposited, concerns were expressed as to whether the demonstration that there will be no detrimental impact on the views of and across the principal heritage assets had been adequately made. The comments concluded that the LVIA and heritage statement failed to provide a comprehensive demonstration that there would be no negative impact on views of or across the principal heritage assets. The cross section confirmed that the land rises to the west and that this part of the site would accommodate the tallest form of development proposed, and whilst showing that there had been an attempt to work with topography without the surrounding context being provided it was difficult to come to a conclusion over how successful this has been.

The Holy Trinity Church should be included at the very least so that proper assessment can be made over the degree of likely impact.

The cross section show landscape screening above the height of the 3 storey units it is unclear as to whether existing planting is to be retained, with the suggested height reflecting the current situation or if this new planting is to be introduced which will take time to mature. Insufficient detail has been provided to show how effective this screening would be.

Highways

Policy would defer to Highways Authority for guidance over the acceptability of the proposal.

Flood Risk

I would defer to relevant stakeholders for its consideration.

Archaeology

In line with the site allocation policy would defer to stakeholders for its assessment.

Housing Mix and Affordable Housing Provision

The approach to affordable housing provision raises significant concern given the suggested provision of the supported living units offsetting the affordable housing requirement.

It was considered that the supported living units would not meet the definition of affordable housing, that there would be no mechanism to control how residents are selected, the cost of accommodation or the criteria for selection. Additional concern was raised that the units could eventually be sold on the open market with no recourse to the Council by way of planning gain. Although Reach is a registered charity it is not a registered provider of housing with the HCA.

Whilst supportive of the public good that meeting the accommodation needs of a specific group in the community would provide this would be a different matter to addressing the chronic affordable housing need present within Southwell.

Given the level of need any proposal within Southwell which meets the affordable housing thresholds but proposes that no contribution will be made would have to make a robust and convincing viability case, or alternatively identify clear and valid site specific circumstances in support of this stance. No such justification has been made.

Should these points be addressed and a demonstration made that the supported living units could be truly considered affordable units, available in perpetuity, this may on balance address policy requirements

Developer Contributions

Detailed infrastructure needs arising from development proposals should be identified and an appropriate level of provision provided in line with The Developer Contributions and Planning Obligations SPD.

Southwell Neighbourhood Plan

Had the application been in compliance with the Development Plan then there would be merit to providing guidance over conformity with the SNP and the level of appropriate level of weight to be given. However further work and justification would be required with regards to the concerns raised in order for further comment to be made

Notwithstanding the above it may be possible that with further work and amendments on the part of the applicant the proposal could be made acceptable.

Following the submission of additional information and drawings in December 2015 and January 2016 the following comments have been subsequently raised as follows:-

Concerns are raised with regards to the viability case being put forward the in terms of the valuation of the bungalow. The valuation doesn't set out what they are seeking to value i.e. it should be the bungalow post-development of the remainder of the allocation. If the valuation includes the bungalow, the full extent of its existing curtilage and the prospect of residential development on the basis of its allocated status then the valuation for the purposes of the application is considered flawed.

Previous comments with regards to affordable housing provision are reiterated.

Although some concern is raised with regard to the additional LVIA information submitted, policy would now defer to Conservation.

Additional flood risk work has also been submitted and policy would defer to the County Council for its opinion. The Council will need to be satisfied that any flooding issues can be adequately addressed.

Additional comments have also subsequently been received which are summarised as follows:-

Previous comments regarding flooding are reiterated.

In terms of the issues around affordable housing provision the applicant has not sought to demonstrate that the supported living units can meet the affordable housing definition and also be made available in perpetuity. The most recent advice from the Valuation Office concludes that the proposal can support the full affordable housing requirement, Section 106 contributions, CIL and the gifting of the bungalow.

Given the chronic affordable housing need in Southwell any proposal which meets the thresholds of CP1 but proposes that no contribution will have to make a robust and convincing viability case, or alternatively identify clear and valid site specific circumstances in support of this stance which do not appear to have been presented and the application as it stands would still be considered to fall short of being able to satisfy Core Policy 1.

Perhaps a balance would be a scheme which includes the gifting of the bungalow together with a reduced affordable housing contribution which may be acceptable providing:-

- The level of affordable housing contribution is consistent with what our evidence shows to be viable; and
- That payback mechanisms are put in place to recover the value of the bungalow should the Reach project remain unimplemented beyond a reasonable timeframe, or if following

implementation the facility comes back onto the market following cessation of the supported living use.

Policy would be unable to support the proposal if the level of affordable housing proposed fell below what the evidence deems viable, as this would be contrary to policy. Strong material considerations, outweighing the under-provision of affordable housing provision, would be needed to determine the application positively.

With regards to the SNP, given that the Plan has been examined and in its modified form meets the Basic Conditions, there are no outstanding objections and the Qualifying Body supports the modified Plan my view is that it should be afforded considerable weight within the decision-making process.

In this particular circumstance however the proposal is clearly at an advanced stage and was submitted well in advance of even the publication of the Draft NP. Consequently the scheme has not been progressed, or assessed, against the content of the emerging NP and so to seek to do so retrospectively at this stage would, in my opinion, be disproportionate – particularly in light of the fact that the Plan is yet to be ‘made’. Nonetheless both the Development Plan and Neighbourhood Plan seek to deliver sustainable development and in this instance, subject to the outstanding matter of affordable housing provision, the proposal provides for a good balance between good design, sensitivity towards the historic environment, natural environment and provision of much needed housing. In this respect I am content that on balance the proposal is consistent with the emerging Neighbourhood Plan.

No additional comments have been received

NSDC Strategic Housing – Initial comments received outlined the policy requirements contained within CP1 of the Core Strategy in terms of affordable housing provision and tenure types and the requirements contained within in the Developer Contributions and Planning Obligations SPD and Affordable Housing Supplementary Planning Document (2013).

The district council would seek to secure 30% affordable housing provision and a tenure mix of to reflect local housing need and viability on individual sites. Overall the tenure mix in the district should be 60% social rented housing (or affordable rented housing) and 40% intermediate housing (usually shared ownership). The affordable housing should be accessible and affordable to those unable to compete in the general housing market.

The affordable housing provision requirement on this site was outlined as being 11 dwellings. The follow unit and tenure types were suggested on this proposed development of 38 dwellings which would need be detailed in any S106:

Type	Rent	Intermediate (SO)	Total
1 Bed apartment	3	0	3
2 Bed house	3	2	5
3 Bed house	1	2	3
Total	7	4	11

The demand and need for affordable housing in Southwell was identified as follows:-

From the District Councils district wide housing needs survey and the DCA Housing Market and Needs Assessment (2014) overall affordable need in the Southwell area is for 93 one and two bedroom homes. reference should also be made to the Housing Register data, (tabled below) managed by Newark and Sherwood Homes, which is provided to determine additional housing need in Southwell area as detailed in the following table:

1 bed	100
2 bed	104
3 bed	48
4 bed	8
1 bed elderly	105
2 bed elderly	144
TOTAL	509
(April 2015)	

For the town of Southwell there are currently 204 housing register applicants who have identified this area as their first preference for one and two bedroom property types. A further 48 require three bedroom properties and 249 require supported/retirement accommodation. The overwhelming need in the district is for social rented accommodation, however, in the interests of meeting the needs of the residents and to promote a balanced housing market an element of intermediate housing will be considered. Further to analysing the housing need in the Southwell locality the proposed affordable tenure split for this site and each unit type should be 60% social rented and 40% intermediate housing.

Although there has been some small scale delivery of affordable housing in Southwell there is still a considerable shortfall of small and family homes required to meet the identified need.

Initial comments set against the current Policy position and social objectives of 'Reach' are summarised as follows:-

The applicant proposes that the provision of on site affordable housing is offset by the transfer of a three bedroom private dwelling (known as Springfield Bungalow) to 'Reach' (formerly Southwell Care Project), which is adjacent to the proposed development.

The suggested approach to affordable housing provision for this proposed development is not in accordance with Council's CP1, as detailed in the Affordable Housing Supplementary Planning Document (2013).

It would result in the loss of provision 11 affordable homes with the potential to house 43 people with a local connection to Southwell who are in housing need and in an area where there is significant demand for affordable housing particularly for smaller homes.

The transfer of the property to Reach would be in its current condition. There appears to be no further financial provision to be offered by the applicant to convert and extend the property to provide suitable supported housing. The property in its entirety would fall considerably short of meeting the appropriate contribution towards affordable housing.

Although of charitable status, Reach is not an approved support provider with NCC or registered with the HCA for the provision of affordable housing. The delivery model used by Reach is currently not supported by the NCC and therefore unlikely to secure County funding.

There is no mechanism in place to control allocations, rent levels or the management of the property or retaining the property in perpetuity. The Council would have no recourse to any planning gain should the Charity cease to exist.

The applicant has not provided an 'independent' and substantiated valuation of the property to assist in assessing whether the contribution is sufficient to cover an affordable housing contribution.

The applicant has not presented a S106 detailing how the conversion/extension of the property would be phased in line with the market housing delivery in line with good practice

It should also be noted that Southwell is a designated protected area (by map) and the proposed affordable rental units will be exempt from the Right to Acquire and the shared ownership/intermediate rent units will be subject to a staircasing restriction of 80% or 100% providing the Registered Provider has the right to re-purchase. The District Council's Legal Department will provide further details in the Section 106 Agreement.

Following the submission of revised plans and viability details the following comments have been received:-

Environment Agency – The site falls within Flood Zone 1. The Lead Local Flood Authority will want to comment on the surface from the site

No additional comments have been received

Severn Trent Water – No objections are raised subject to conditions being attached should permission be granted requiring the submission and approval of drainage plans and that the applicant is advised to contact Severn Trent Water regarding public sewers.

No additional comments have been received

NSDC Access – 'It is recommended that the developer be advised to provide inclusive access and facilities for all, with particular reference to disabled people. To this end, BS 9266:2013 'Design of accessible and adaptable general needs housing – Code of Practice', Lifetime Homes Standards as well as Approved Document M of the Building Regulations contain useful guidance.

In addition the inclusive access should be provided to and within the supported living accommodation on all floors with accessible facilities and features as well as carefully laid out car parking provision for disabled motorists. BS8300:2009 gives further information in this regard as well as Approved Document M.'

No additional comments have been received

Representations (including photographs and a video) have been received from 47 local residents/interested parties which can be summarised as follows:

General Objections

Objections were raised at the time of the sites allocation and these remain unchanged

Timing of initial consultation and lack of opportunity to comment within the timescales

Problems of viewing the application on line

Lack of publicity of the application in terms of site notices and the number of local residents consulted

Inaccuracy of red line site plan which invalidates the application and should be rectified and at the very least the application be resubmitted and those affected by the proposal given the opportunity to comment

Misleading information and old plans have been submitted, which do not show the existing details of neighbouring properties which have been extended

The planning regulations are for the benefit of the community and the application should be assessed against these

The proposal should be 2 separate applications as each proposal is entirely different and has unrelated matters

If approved the development would set a precedent for future unsustainable development

It is noted that the applicant has donated Springfield Bungalow to Reach at the same time as the application was submitted. Are both developments conditional on each other

Other more preferable sites should be sought for allocation from the SHLAA process

If approved there should be a substantial landscape buffer along the southern boundary, dwellings along this boundary should be single storey, the developer should be responsible for the repositioning of services, enhancement of existing hedgerows etc. ensure least disruption during development and ensure that surface water run-off is not directed onto other properties.

Expansion of the town is acceptable but the infrastructure is not currently ready for the development

Documents and plans submitted are outdated and misleading

Residential Development

Flooding

The effectiveness of proposed French drains and permeable paving is questioned

Incorrect volume calculations have been deposited with regards to the proposed balancing ponds

There are underground springs on the site and there is a history of flooding as evidenced in the Councils own documentation (Southwell Gateways Site Assessment)

The FRA fails to assess the impact of water run off behind the development or the proposals impact on the high water table

The proposal will greatly increase the risk of flooding – this together with existing water flow will exacerbate current issues and increase frozen water hazards on the highway

Sources of water and water flow in and around the site are identified

Existing ditches are ineffective

The land is on a steep slope and together with the springs if flood mitigation measures fail than neighbouring properties will flood.

There is no indication in the application as to how the grey water system is intended to be used.

The cost of mitigation measures and green roofs will result in properties not being low cost

How can the application be considered when the Southwell Flood Forum report has not been made public

Plans seem totally inadequate to cope with draining surface water and the additional waste water generated by the development

No infiltration tests have been carried out on the SuDs to ensure that they are effective

On site storage proposals seem inadequate

Land drainage provision will exacerbate flooding down stream

The proposal would add to the potential for increased flooding despite permeability and the provision of ponds and surface water management proposals

It is questioned as to where water will go other than into neighbouring gardens who is responsible for any damage, which will maintain and clear the drainage areas and how will springs on the land be dealt with.

Appropriate upstream drainage works should be carried out before any works commence on site

The Council should be confident that all flooding eventualities are covered and should therefore be liable and underwrite any costs of any future damage through flooding as a result of new development as it has been made aware of flooding issues

There are flaws with the FRA – it fails to undertake or complete a number of essential elements required to provide a comprehensive understanding or comment - no percolation tests have been undertaken, there are no details of the proposed land drainage system, permeable paving is problematic and unsuitable (capability of absorbing surface water flows, maintenance, increased risk of transfer of surface water out of the site), it fails to reflect that neighbouring properties have suffered considerable surface water flows, there are no maintenance details of the swales and attenuation pond, these features raise safety issues, the FRA makes no assessment of the springs, overland flows are inaccurate and are not detailed, overland flows onto the highway would result in safety issues

The FRA fails to mention flooding of 2013 and details are unclear

The FRA fails to meet the requirements of the PPG

The ability for the public sewer network to cope

Permission has been granted for 2 other large residential developments which have been already badly affected by flooding.

Highways

The Transport assessment fails to adequately address the impact on road safety – it is based on old data, surveys were carried out outside of Minster School pick up times and so are not representative, it fails to adequately assess the impact on other roads, it fails to assess the proposals impact on the condition of the road the assessment of Halloughton Road is inaccurate

There are existing highway issues and traffic problems on Halloughton Road despite turning restrictions being put in place, which will be exacerbated by the proposal which would not be mitigated by implementing extra measures such as speed or parking restrictions

Highway safety on blind bends

The adequacy of Halloughton Road is questioned as it is not designed to cater for a large residential development. It is too narrow

The number of traffic movements estimated in the application is vastly underestimated

On street parking will be an issue particularly during construction phases

The lack of parking for both developments will lead to on street parking on Halloughton Road and impact on existing on street parking

A roundabout should be constructed at the bottom of Halloughton Road to cater for proposed and existing access and egress onto Nottingham Road

Proposed splays at the access onto Halloughton Road are on land not within the ownership of the applicant. Strong opposition is raised to any encroachment onto this land.

Pedestrian safety, particularly at certain times of the day at drop off and pick up times, as there is a lack of pavement on Halloughton Road and the splays are inadequate for cars accessing or leaving properties behind the splays

The proposal would exacerbate existing traffic issues along Halloughton Road which is used as a rat run. It has a blind bend at its junction with Nottingham Road and already experiences problems with speeding traffic and drivers ignoring the no right turn from Westgate

The transport statement is incorrect – there are no parking restrictions on Halloughton Road and therefore the practical road width is only half of the road – there is no footpath on the south side of Halloughton Road raising issues with pedestrian safety – the land required visibility splay is not shown within the red line of the site plan and no notices have been served on owners of this land

The transport statement is out of date and pre dates recent highway changes

Increase in traffic would result in congestion at both ends of Halloughton Road

Character

Concentration of dwellings would be overdevelopment of the site and would be out of character with the area – the layout is very dense and institutionalised

Density out of character with surrounding area

3 storey dwellings will be out of character with the vernacular of the area

2 storey dwellings may be altered with windows in the roof and will become 3 storey which would be out of character artist impressions and drawing inaccurate in terms of screening and visibility of the 3 storey properties

There is a need for starter homes in Southwell but a greater mix of housing types would be preferable on the site

Adverse impact on the Gateway into Southwell – previous application for 18 bungalows had been refused and upheld on appeal on the grounds of impact on the Gateway

The proposal would adversely impact on this view, particularly the 3 storey properties

The LIVA predates the establishment of the protected view corridor and assesses impact when trees are in full leaf.

Existing houses are single or two storey properties – the proposal doesn't sit comfortably with the surrounding area

Properties on the south side of Halloughton Road created a natural boundary to Southwell which be lost

The LIVA is misleading in terms of its view points

Design and layout

It is utilitarian and industrial without any architectural merit

The layout should have rear gardens backing onto rear gardens

Heritage

There would be adverse visual impact on the Minster and Holy trinity Church – the photomontages submitted with the application do not take full account of the views –at least two storeys of the proposed dwellings will be viewed.

Amenity Issues

Overlooking and loss of privacy – layout could be revised to mitigate this

A footpath runs directly adjacent to boundaries with neighbouring properties which will result in overlooking and increased noise nuisance from traffic and pedestrians

The road level should not be above the floor levels of neighbouring properties

If permission is granted then it is requested that a 1.8m high wall be erected to protect privacy

The side elevations and garages of one of the proposed properties will result in overbearing impacts

The human rights to Privacy will be breached

Increased noise and activity issues

Bungalows would be preferable

Other matters

Safety issues arising from the proximity of ponds to homes.

Infrastructure – the proposal would put pressure on schools and doctors

Should permission be granted any future amendments to the scheme should be the subject of a full application and consultation and not be considered minor amendments

Landownership in relation to the land required for the provision of the visibility splay to serve the proposed residential development on Halloughton Road and along the boundary with Springfield House

Relocation of existing services within the site should be at the applicant's expense

If permission is granted then it is requested that a 1.8m high wall be erected to protect privacy.

Bungalow

Supportive of proposal but does the proposal results in an institution rather than a home which was the original vision of REACH

The extension of the bungalow on one level with fewer occupants would be more appropriate

Highways

The transport statement incorrectly comments that that there would not be any greater levels of activity using this access - There would be greater levels of vehicular traffic and pedestrians accessing the Reach units on a blind bend which would impact on highway and pedestrian safety.

There is an underestimation of traffic using this driveway.

Insufficient level of parking provision.

The proposed access to the bungalow has been repositioned on Halloughton Road opposite a splay previously reserved for the Beckett Fields development which has now been deemed too dangerous and the access to this development has been repositioned onto Nottingham Road. How can the access to Springfield Bungalow be considered safe.

Issues of access for emergency vehicles.

Pedestrian safety for the residents of Springfield Bungalow by virtue of lack of pavement.

Amenity

Upper floor windows will overlook neighbouring properties.

Flooding

The existing domestic drainage is inadequate for the care home.

Following reconsultation further letters /email have been received which consider that the revised plans and details fail to address previous concerns raised and reiterate the above concerns.

Additional comments:-

Landownership :-

- for the splay at the access to the residential development on Halloughton Road – the applicant has failed to serve the requisite notices and therefore the application is invalid and should not be determined. The owners of this land would not make any of their land available for the provision of the splays
- along the southern boundary of the site the proposed buffer zone is not within the applicants ownership

There is already a shortage of school places and strain on medical services which would be exacerbated by the proposal.

The provision of the supported living accommodation which has been stated as constituting the provision of social housing which is incorrect as there is still a need for low cost starter homes.

The highway authority originally raised concerns with access for the bungalow. If it's not suitable for those without disability why is it suitable for those with a disability. The supported living units are not a care home but are 12 individual units of accommodation occupied under a separate

tenancy arrangement with their own care package. Therefore the residents should be treated as any other person with regards to parking standards and provision which as proposed are inadequate.

There have been discriminatory remarks made by NCC regarding car ownership/driving. Everyone should be treated equally. This issue has not been addressed in the parking provision for the bungalow.

SUPPORT

1 email has been received which considers that the development should maintain and enhance the character of the town and supports the design references to Southwell historic buildings

16 letters of support for the supported living development have been received summarised as follows:-

Everyone should have the opportunity to live where they have been brought up

There is a lack of this kind of accommodation which also supports the educational and personal needs of the residents

It would allow adults with learning difficulties to live independently rather than in an institution but in their local community and close to their family

It would provide a purpose built, well planned and supported, familiar, quiet and safe living environment for its residents

It is close to Reach offices, local facilities and employment and training for the reach clients

The development would also provide low cost smaller housing in the town.

Following the submission of the revised site location and site layout plans a further 25 letters and emails have been received which reiterate the above comments and raise the following additional concerns again italicised for ease of reference:-

Highways

The Transport Statement is now out of date – traffic patterns may have changed since the Becketts Field development has commenced, there is no right turn off Westgate onto Halloughton Road. It lacks a traffic speed survey to reflect current road conditions

The visibility splay at the Westgate junction is on a slope and is very poor

There is lack of parking provision

There will be additional congestion

Pedestrian safety is compromised in light of lack of pavements and the inability to provide pedestrian crossing at the access given land ownership issues

There is no existing vehicular access

The proposed splays are inadequate

They cannot be provided to the required 2.4m minimum given the height of existing hedges

The access cannot be adopted because of a Right of Way over land within the application site

Access to the Reach unit is unsafe given lack of pavement and footpaths and the residents will have to cross a busy main road to access a pavement on Halloughton Road

The development might proceed on the basis of a private access without any splays and a reduction in the proposed number of dwellings raising serious doubts. This would do little to contribute to housing targets

The private road will be under the overall control of residents in the form of a management company and the same level of highway safety cannot be assured which renders the access less safe

An access unfettered by private rights and suitable for adoption would be highly likely to be able to support the density of housing as proposed and a greater number of vehicles rather than an unadopted road

The access is poor - a condition should be attached should permission be granted which requires the submission of precise details and calculations to ensure that the visibility splays and safe pedestrian access can be provided

Amenity

The proposal would still result in loss of privacy

It would impact on right to light

Flooding

The proposal still fails to address flooding issues previously raised and no drainage details have been submitted

More work is required on the proposed flooding solutions

A Management Company may disappear and residents of the development may fail to accept responsibility to maintain the attenuation structures

Issues are raised with regards to the swale to the west of no. 38 Halloughton Road which will result in less space for the road and pavement and will also result in silt being brought down Halloughton Road impacting on drainage.

A rigorous condition should be added requiring the applicant to demonstrate that all site water would be entirely contained within the site

Character

The revised proposal would result in a loss of screening along the boundary with Springfield House

The proposal will result in loss of green infrastructure and will impact on views as you approach

the town

Land Ownership

Although the boundary has been realigned it is still unclear as to how a buffer zone along this part of the boundary will be provided. This should still be of the same scale and nature as originally proposed of an appropriate height and species to provide screening

There are existing rights of way within the site which provide access to gas and electricity services which should be protected during any development

There are ongoing discussions with the County Council regarding highway extent and ownership

Evidence deposited with NCC shows the southern boundary of the original ancient highway defines the historic of the adopted highway to the south. Evidence has been forwarded to NCC which demonstrates that the extent of the southern boundary and given the topography of the land this defines the land as ancient highway running along the bottom of the embankment to the eastern end of Halloughton Road and not half way up as suggested by NCC. NCC only has an assertion of the extent of the highway which is not supported by any evidence.

There are rights of way over the land which are not identified in the application. These will not be relinquished

Miscellaneous

There must be alternative sites

The application is still invalid as there is no existing access

The previous plans misled Members in terms of the extent of land owned by the applicant

The proposal is an over development of the site

The site plans inaccurately show adjoining properties which have been extended

The design is out of character

The Reach project is a well respected charity. It is requested that a condition be imposed that should the Reach element fail, given that this is in lieu of the affordable housing, then the application be reviewed to ensure that affordable housing provision and CIL are secured.

Requests have been made with NCC to meet to discuss highway issues, land ownership, evidence of ownership, adoption and previous site inspections which have been unsuccessful.

Comments of the Business Manager/ Appraisal

Principle of Development

~~In considering the principle of the proposed development account has to be given to the District Councils current position with regards to its 5 year housing land supply. Subsequent to the appeal~~

~~decision into the refusal of planning permission for residential development for 48 dwellings at Southwell Road, Farnsfield, the Planning Inspectorate has concluded that against a target of 550 dwellings the Council does not have a five year housing land supply.~~

~~In reaching her decision the inspector considered the conclusions of the Strategic Housing Market Assessment for the Nottingham Outer HMA (SHMA) which identified that for Newark & Sherwood 454 dwellings should be delivered annually. She concluded based on evidence before her that the figure should be materially higher, 550 dwellings. On this basis, primarily due to the slow delivery of housing on strategic sites, it was concluded that the Council does not have a 5 year land supply.~~

~~The Council is currently seeking further guidance from our consultants on the Inspector's conclusions regarding the higher 550 figure and the interrelationship between employment and housing rates which formed the basis for her judgements. Whilst we do not agree with the Inspector's conclusions regarding the SHMA (as will be dealt with robustly as part of the Plan Review process) the appeal decision itself is a material planning consideration. At the current time the Council's published five year supply position is based on 2014/15 completions and assumptions. This clearly pre-dates the Farnsfield appeal. The Council will shortly be in a position to publish its current land supply position (likely against a 454 figure). At the current time it remains the position that the Council cannot be confident of its 5 year supply position. This is a significant material planning consideration in the context of this site, which is both allocated and capable of delivery to contribute to an overall supply.~~

Implications

~~If the LPA cannot be confident of a 5 year land supply the policies contained within the Core Strategy and the Allocations & Development Management DPD in relation to housing supply are now considered out of date in terms of Paragraph 49 of the NPPF and in that sense Paragraph 14 is in place in that "where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless: any adverse impacts of doing so would *significantly and demonstrably* (emphasis added) outweigh the benefits, when weighted against policies in this Framework taken as a whole; or specific policies in this Framework indicate developments should be restricted."~~

~~The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they should be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision making.~~

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "boost significantly the supply of housing". Paragraph 17 states further that the planning system should 'proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.' NPPF indicates that this will be achieved first and foremost, by local planning authorities, 'using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.'

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). By their very nature, these have taken longer to be brought to market. Land South of Newark now has 2 no. national housebuilders involved, the first of which is expected to receive reserved matters consent to allow a start in March 2017. Consent will shortly be issued to a national housebuilder for the Fernwood SUE for 1800 houses (S106 awaiting execution). NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf>).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see <https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>). The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be a Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspectors decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

Southwell is identified in the SP1 of the Core Strategy as being a Service Centre with the function of acting as a focus for service provision. SP2 of the Core Strategy continues that in order to secure its future as a sustainable community provision should be made for new housing to meet local housing need.

Policy DM1 of the A&DM DPD advises that within the urban boundaries of the Service Centres, as defined on the Policies Map, proposals will be supported for housing, development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 of the DPD refers to development on allocated sites being supported for the intended use provided that they comply with the relevant Core and Development Management Policies, site specific issues set out in the DPD.

Policy DM12 of the A&DM DPD sets out a positive approach to considering development proposals reflecting the presumption in favour of sustainable development within the National Planning Policy Framework. Where appropriate, this will involve the District Council working alongside applicants to seek solutions which mean that proposals can be approved wherever possible, and to secure development that improves economic, social and environmental conditions within the district. The policy further details that applications which accord with the District's Development Plan will be approved without delay, unless material considerations indicate otherwise.

The principle of development in this location has been established through the sites allocation in the A&DM DPD, with Policy So/Ho/2 setting out a detailed approach for the bringing forward of the site. This states that the site is allocated for residential development providing around 45 dwellings. In addition to the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:-

- i. Appropriate design, density and layout which addresses the site's:
 1. Gateway location and manages the transition into the main built up area;
 2. Potential impact on views of and across the principal heritage assets of the Minster, Holy Trinity Church, Archbishop's Palace and the Thurgarton Hundred Workhouse in accordance with policy So/PV 'Southwell Protected Views'; and its
 3. Proximity to the Southwell Conservation Area respecting its character and appearance.

In order to assimilate the development, provision should therefore be made, in accordance with the landscape character, for the retention and enhancement of the site's existing landscape screening.

- ii. The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;
- iii. The provision of suitable access off Halloughton Road as part of the design and layout of any planning application. This should be informed by the preparation of an appropriate Transport Assessment to identify the impact of the development on the highway network. Through this assessment, the access requirements of So/Ho/3, the impact on the Halloughton Road / West Gate junction and the provision of appropriate mitigating measures should be addressed; and
- iv. The investigation of potential archaeology on the site and any necessary post determination mitigation measures secured by condition on any planning consent.

Policy SS2 of the amended SNP reflects the criterion contained within policy So/Ho/2 of the ADM DPD.

The principle of residential development is therefore considered to be acceptable having been established through the sites allocation and ***being mindful of the Councils current position with regards to the 5 year housing land supply***. Detailed assessment is made to the specific criterion within the allocation policy below and other site specific circumstances.

Critically, it has also been necessary to carefully assess flood risk issues associated with the site, particularly given the extensive flooding in July 2013 (and indeed in years prior to this). Full commentary on this issue is detailed in the relevant section below.

Housing Affordability, Mix, Type and Density

The National Planning Policy Framework seeks to ensure sites '*deliver a wide choice of high quality homes....and.... plan for a mix of housing...*'. Policy So/HN/1 seeks to address housing need issues within Southwell and reflects the need for smaller properties to accommodate an ageing population as well as young people wishing to stay in the area. Accordingly the policy, subject to local site circumstances and viability, seeks to secure the majority of new housing on allocated sites as one or two bedroom units in line with identified housing needs.

Core Policy 1 of the Core Strategy requires affordable housing provision in Newark and Sherwood (outside the Newark Urban Area which has its own requirements) on sites of 5 or more dwellings or which have a site area of 0.2ha or above, with the Core Policy setting out that a level of 30% will be sought. In doing so however, consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought should reflect a 60% social rented and 40% intermediate mix.

Policy CP3 of this document outlines that a density of not less than 30 dwellings per hectare is required unless a lower density is justified, taking account individual circumstances.

Policy HE1 of the SNP sets out housing mix and associated densities informed by NSDC Housing Needs Survey outlining an average of density of 30 dwellings per hectare subject to site characteristics in line with the minimum number of dwellings to satisfy the requirements of the Core Strategy.

The density of the development is approximately 28 (proposed dwellings plus proposed supported living) units per hectare, calculated using the net developable area of the site which is approx. 1.92 hectares. This density falls slightly below the requirement of Core Policy 3 which seeks development densities in housing development of 30 dwellings per hectare or more. However, for reasons outlined below, I am satisfied that this shortfall of four dwellings is modest and given the community benefit in terms of the provision of the supported living units, would in this instance be considered acceptable.

The proposed supported living units would not fall within Use Class C3 (residential) but given the nature of the accommodation and the level of care provision would be considered to fall within use Class C2. The scheme proposes 38 dwellings and the provision of 12 supported living units which would differ from the terms of the site allocation and would fall short of the indicative level identified within this site allocation policy which states that around 45 dwellings should be provided.

However, being mindful that the requirement of the site allocation does not identify an exact figure, taking account that the development also proposes 12 supported living units which would likely meet the accommodation requirements of a specific section of the community I do not consider that less units is materially harmful in this instance.

Notwithstanding this, the key aspect in considering the level of development is therefore whether the proposal remains able to satisfy relevant policy requirements, and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist a modestly lesser development and particularly not for statistical reasons alone. It is therefore considered that, subject to the acceptability of the design, layout and local environmental, highway, heritage or amenity impacts, that the principle of the provision of 38 dwellings on the site is acceptable. Members will be aware that allocations have delivered

quantums of development both above and below those referred to in allocations. One must also have regard that in this instance there is a wider likely benefit to a section of community in the form of Reach.

The mix of units would comprise 19no. 3 bed dwellings, 16no. 2 bed dwellings, 3no. 1 bed dwellings together with the conversion of the existing bungalow to create a 12 bed supported living unit. It is considered that this mix is appropriate and would meet the key objectives of CP3 which is to secure family housing of 3 bedrooms or more, whilst helping to address localized need for smaller 1 and 2 bed units in accordance with the aim of So/HN/1. It is also considered that, on balance and in this particular instance the density of the proposed development is acceptable taking account of specific circumstances in accordance with CP3, So/Ho/02 and HE1.

Taking the above into account and being mindful that there have been no significant changes in national or local planning policy or site circumstances since Members resolution to grant permission, it is considered that the revision to the site boundary and the consequential amendment to the buffer zone along this section of the site does not fundamentally alter the considerations in relation to the principle of the proposed development considered to be acceptable having been established through the sites allocation, nor with regards to housing mix or density. In this particular instance the proposal is therefore considered to remain in accordance with policies CP3, So/Ho/02 and HE1.

Flood Risk and Surface Water Management

In line with earlier comments I would consider that any proposal on the site needs to be able to satisfactorily address the issue of any flood risk to the site or surrounding area.

Following the site allocations process and subsequent adoption of the Allocations & Development Management DPD, as noted within the concerns raised by local residents, Southwell has experienced a significant flooding event. This included severe flash flooding from the Potwell Dyke and Halam Hill sub catchment watercourses as well as overland surface water flows which affected a significant number of properties.

In light of this significant flood event and the more frequent but less severe flooding which has been experienced it is crucial that flood risk is appropriately considered as part of the planning process. This is a position also accepted by Nottinghamshire County Council as Lead Local Flood Risk Authority (LLFA).

The NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

Section ii. of policy So/Ho/2 states that development on this allocated site will be subject to the positive management of surface water through the design and layout to ensure that there is no detrimental impact in run off into surrounding residential areas or the existing drainage regime.

Policy CP 9 of the Core Strategy requires that all new development through its design proactively manage surface water including, where feasible the use of Sustainable Drainage Systems.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

The ~~amended~~ SNP at policies E1 and E2 outlines specific policies in relation to flood risk assessments and mitigation. Recent events have highlighted a clear need for further investigation to be carried out so that the nature and extent of flood risk to the settlement can be fully understood.

The stance for new development is that the applicant should be able to demonstrate to the satisfaction of the District Council and relevant flood risk authorities that flooding issues can be adequately addressed. This assessment should take into account the findings of the surface water flood maps produced by the Environment Agency.

I acknowledge of the significant level of concern raised by the Town Council, the Civic Society and local residents with regards to surface water drainage and flooding. Following the concerns raised with regards to the initial FRA submitted with the application a revised FRA has been prepared by ASC Civil and Structural Engineers dated 18th December 2015 which has been deposited as part of the application. It concludes that the risk of flooding to the proposed development and adjoining property from groundwater/overland has been reviewed and an appropriate land drainage strategy proposed to mitigate for such flooding. On site investigation work is proposed to establish the extent and location of any springs that emerge on the site, with appropriate measures to be included within the detail design to convey flows to the proposed land drainage system. It is also proposed to provide a staged attenuation based surface water drainage strategy, utilising a combination of above and below ground attenuation devices.

It is considered that the proposed land drainage measures and the revised surface water drainage strategy will result in a reduction in flood risk to both the site and the adjoining properties in the post development scenario.

The LLFA has been reconsulted on these revisions. They have confirmed that they are satisfied that the proposed revised drainage strategy which now meets the aims of the NPPF and is considered to not create a risk of increased flooding to 3rd parties. The detailed comments of the LLFA are included within the consultation section of this report. The LLFA are satisfied that an appropriate level of evidence on flood risk and surface water management has been provided in the revised assessment. No objections are now raised subject to the attachment of a number of pre commencement conditions being attached should permission be granted. Taking account of these comments I am of the opinion that it would be reasonable to attach the suggested conditions should members be minded to grant approval for the proposed development.

In light of the amendments made to the scheme, and the comments received from the County Council Flood Team and Severn Trent Water it is considered that the applicant has demonstrated that flood risk and surface water management issues associated with the site can be adequately addressed in the design and layout of the scheme and secured by condition should permission be granted. The application is therefore considered to be acceptable and in accordance with CP9, CP10, So/Ho/02, E1 and E2.

The additional comments received with regards to drainage and flooding issues are acknowledged. However, the Lead Local Flood Authority, The Environment Agency and Severn

Trent have raised no additional comments with this regard.

I would draw Members attention to previously agreed conditions 13, 14, 15 and 16 which are considered to secure appropriate drainage and flood risk and surface water measures. It is considered that these remain relevant and these should again be imposed should Members be minded to grant permission. Moreover the provision of such measures will also be secured through the S106 Agreement together with the establishment of a Management Company responsible for the future management and maintenance of these features. Failure to comply either with the conditions or clauses within the S106 would be subject to enforcement or possible legal action.

It is therefore considered that the revised site and layout plan would not significantly alter proposal to raise any new considerations in terms of flood risk and surface water management The number of dwellings remain as originally proposed and there is not any increase in hard surfacing within the site. The development is therefore considered acceptable and thus remains in accordance with CP9, CP10, So/Ho/02, E1 and E2.

Impact on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets.

Core Policy 9 of this document requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment.

The sub text of Policy DM5of the ADMDPD requires that have special regard has to be given to the desirability of preserving the heritage significance of a listed building including that derived from its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.

Policy So/Ho/2 requires the design of the development to adequately address the gateway location and management of the transition into the main built up are and the potential impact of and across the principal views of the Minster, Holy trinity Church, Archbishops Palace and the Workhouse. Following the submission of additional landscape visuals the Conservation Officer raises no objections to the proposals (a full assessment of the proposal is set out in the Consultations section above). Considerable importance has been given to the desirability of preserving the setting of the Listed Buildings within Southwell, particularly the Grade II Listed Holy Trinity Church and Southwell Minster, which has a Grade I Listing. Policy ES2 of the amended SNP reflects this criterion.

Policy DH3 of this document refers to the Historic Environment and comments that proposals should not negatively impact on the conservation area and Listed Buildings, particularly the Minster nor should they result in impact on any particular archaeological interests.

I note the comments received with regards to the impact of the proposed residential development on the historic environment and heritage assets. I also note the comments of the District Councils

policy officer with regards to such impact and that this has been deferred to the considerations and conclusions of the Conservation Officer.

Being mindful of these comments I would concur with the Conservation Officers views following the submission of the revised photomontages that although some aspects of the proposal may have some potential to impact on views of the historic environment, any impact would not be substantial and when combined with appropriate landscaping proposals, which could be secured by planning condition. It is considered that any harm would be at the lower end of less than substantial harm (for the purposes of paragraphs 132 and 134 of the NPPF), to be weighed against the benefits of the scheme including the delivery of market and affordable housing and assisted living for a disabled charity.

Visual Amenity and impact on the gateway to Southwell

Notwithstanding the impact of the proposal on the heritage assets consideration has to be given to the impact of the proposal visual amenity and the character and appearance of the immediate and wider setting of the site.

Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Policies So/Ho/2 of the AM DPD and ES2 of the amended SNP outline that proposals should appropriately address by virtue of design density and layout the gateway location of the site and manage the transition into the main built up area.

The predominantly two-storey nature of the development would reflect some of the existing character of the area and the mix of detached, semi-detached and terraced properties is considered appropriate. I am mindful that three storey properties are proposed to the western edge of the site. However, these are split level, having three storey frontages and two storey rear elevations taking account of the topography of the land taking account of levels and landscaping I do not consider that the proposal would such an impact on visual amenity to justify refusal.

As discussed above within the Heritage section of this report, it is accepted that there would be some visual impact on views of the historic environment and consequently the gateway into the town, although this is not considered to be so substantial, given the topography of the site and the proposed landscaping works to justify refusal on these grounds.

I note the comments received with regards to previous refusals on the site and impact on the gateway. However, each application has to be assessed on its own merits. The site, of course, is also now allocated.

I am satisfied that the transition into the main built up area of the town can be appropriately achieved and managed by the imposition of a condition to secure a good quality landscaping scheme in accordance with the above policies.

Design and Layout and Impact on General Character and the Landscape Character of the Area

The NPPF recognises the importance that the government attaches to the design of the built environment. Paragraph 58 of the document outlines that development should function well and

add to the overall quality of the area, establish a strong sense of space using streetscapes and buildings to create attractive places, respond to local character and history, create safe and accessible environments and should be visually attractive.

Policy DM5 sets out the Design criteria for proposals and includes that new development should reflect the local distinctiveness of the District's landscape and character of built form.

Criterion contained within Policy So/Ho/2 requires that provision should be made in accordance with the landscape character, for the retention and enhancement of the sites existing landscape screening.

Policies So/Ho/2 of the AM DPD and ES2 of the amended SNP outline that proposals should be of appropriate address design density and layout.

The residential development has a predominantly linear layout with dwellings having open frontages facing the highway. There will be a focal point created to the western end of the site with a landscaped 'Square' which will make provision for the incorporation of drainage measures, will soften the built form and provide an area of public open space. Corner properties are designed so as to appropriately address the streetscape. Taking account of this layout I am of the opinion that the proposed residential development would not appear cramped or overintensive, nor would it appear completely out of character within the area given the nearby residential development on Nottingham Road.

The general height of the proposed dwellings will be two storey, excluding 6 dwellings at plots 24-29 which will be 2/3 split level properties built into the bank taking account of the topography of the site and the rise in the land levels to the west of the site.

The mix of house types proposed which are mostly traditional in design with appropriate architectural detailing, for example cills and headers and chimneys. I am mindful that plots 19-23 within the south western corner of the site are of a more contemporary and vertical design with asymmetric roof lines. However, although such a design would not be a common characteristic of the area, I am of the view that within the context of the site this design would create a unique sense of place around the Square. The asymmetric design would also allow glimpses and views of the Church of Holy Trinity.

With regards to impact on the landscape character, Core Policy 13 of the Core Strategy addresses issues of landscape character. A Landscape Character Assessment (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the district and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified within the LCA as falling within Mid Nottinghamshire Farmlands Policy Zone MN PZ38: Halloughton Village which defines the Landscape Condition as being good and landscape sensitivity as moderate. Landscape Actions are defined as conserve and reinforce.

A Landscape Visual Impact Assessment has been deposited with the application which includes viewpoints within the surrounding area. Four additional photomontages have subsequently been deposited which show existing views and views showing the outline of the proposed dwellings within the setting of the site.

Taking account of the LIVA, although it is acknowledged that there would be some visual impact on the landscape, it is considered that this would not be so substantial, given the existing screening and topography of the site together with the proposed additional planting and landscape buffer zones, to unacceptably impact upon the landscape character of the area.

I note the comments of the NCC with regards to the width of the proposed landscape buffer zones and the relocation of 'The Square'. I have not sought the relocation of 'The Square' as it is considered that this feature creates a focal point and establishes an area landscaped open space within the residential development and which enhances its design and layout. Moreover it is considered that a condition regarding precise details of proposed landscaping and planting to the site boundaries and to the proposed buffer zones will ensure that appropriate species are provided to safeguard these zones and to ensure that there will be no undue impact on neighbouring plots.

Being mindful of the scale of the proposed extensions to Springfield Bungalow it is not considered that this element of the proposal would result in any undue impact on the landscape character of the area.

Taking account of the above considerations, I am of the view that the proposal is of an acceptable design, scale and layout which would not unduly impact on the landscape character. The proposal would therefore accord with Policy CP9, CP13, So/Ho/02, DM5 and ES2.

Although the revised proposal would result in the loss of a section of a buffer zone along part of the western boundary with Springfield House this buffer zone is not considered to be so critical in its protection of views into Southwell or to make such a significant contribution to the landscape character to justify refusal on these grounds. In approaching the town from the west it is the far western and north western boundary with the open countryside and the southern boundary with Springfield House which are the more the important boundaries. Previously agreed Conditions 5 and 6 require the submission and approval of landscaping details and a landscape management plan which will secure an appropriate landscape scheme to safeguard these views. It is considered that these remain relevant and these should again be imposed should Members be minded to grant permission. It is therefore considered that on balance that the proposal remains to accord with Policy CP9, CP13, So/Ho/02, DM5 and ES2.

Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Neighbouring amenity

I acknowledge the comments received with regards to impact on the adjoining dwellings. I am satisfied that the relationships and separation distances between the proposed dwellings, garages and car ports of the proposed development and the existing dwellings on Halloughton Road to the

north and Springfield House to the south are sufficient so as not to result in any undue overbearing, overshadowing impact or overlooking impact.

The closest relationship is between the blank side end gable of plot 38 of the development and the rear elevation of no. 36 Halloughton Road which measures at circa 17-20m. I have given very careful consideration to this separation. However, I am mindful that such a relationship and separation distance would not be unusual within the urban grain of the settlement. Taking account of there being no windows to this side gable I am satisfied that, on balance, there neither would not any be undue overlooking impact nor would there be such a degree of overshadowing or overbearing impact to justify refusal on these grounds. A condition requiring appropriate boundary treatments will also safeguard residents from undue impact on amenity

With regards to the proposed extension and alteration of the existing bungalow to provide the supported living units, I note the comments received in relation to overlooking from the proposed extensions of the bungalow. Again given the relationship between the existing properties and the bungalow I am of the view that the proposed extensions would not result in any undue overlooking or loss of privacy. It is therefore considered that the proposal accords with Policy DM5.

The proposed revisions to this section of the boundary with Springfield House are not considered to result in any greater impact on amenity than the original proposal. Previously agreed Conditions 5 and 6 require the submission and approval of landscaping details and a landscape management plan which will secure an appropriate landscape scheme to safeguard amenity. It is considered that these remain relevant and these conditions should again be imposed should Members be minded to grant permission. I would also suggest an additional condition be added requiring the submission and approval of proposed boundary treatments to further safeguard amenity. It is therefore considered that the proposal remains in accordance with policy DM5.

Amenity of future occupiers

The proposed layout of the residential development allows for a reasonable relationship and separation distance between dwellings to avoid any direct overlooking, overbearing or overshadowing impact.

An adequate area of private amenity space has also been provided for each dwelling. However in order to protect these amenity spaces and prevent any future reduction in separation distances, it is considered appropriate and reasonable to remove permitted development rights for future extensions and outbuildings to these dwellings should planning permission be granted.

Having carefully assessed the scheme I am satisfied that the proposal would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or dwellings adjacent to the application site in accordance with the Policy DM5.

Highways Matters

Policy So/Ho/2 sets out the need for an appropriately designed access off Halloughton Road which should be informed by a Transport Assessment to identify the impact of the development upon the highway network. The access requirements of So/Ho/3, the impact on Halloughton Road/Westgate junction and the provision of appropriate mitigation measures should also be addressed.

Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Core Policy 9 requires proposals to be accessible to all. Policy

DM5 of the DPD states that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and location of the development.

Policy TA3 of the amended SNP seeks to ensure that new development does not adversely affect the highway network. Policy TA4 of this document refers to development meeting parking standards where appropriate.

The comments of the Town Council, Civic Society and the written representations received from local residents relating to the highway implications of the proposal are acknowledged.

Access to the proposed residential development would be created between nos 36 and 38 Halloughton Road. The existing access adjacent to no. 42 Halloughton Road which currently serves Springfield Bungalow will be realigned to serve the proposed supporting living units.

A Transport Statement has been submitted with the application which concludes that:-

- the site is accessible by modes of transport other than by private car,
- the housing proposal would generate limited peak hour traffic which would be marginally above the threshold for traffic assessment recommended by the DOT
- A suitable access can be provided through a priority junction to Nottingham Rad which would comply with NCC adopted standards
- The proposed supported living units would generate negligible additional traffic which would not impact on the access or operation of the highway
- The development would not have a detrimental impact on the local highway network (A612, its junction with Halloughton Road and the junction of Halloughton Road and Westgate)
- A review of records does not suggest a significant road safety problem in the area.

Following the initial concerns raised by the Highway Authority the applicant submitted revised plans which propose a visibility splay to the grass verge to the front of nos 36 and 38 Halloughton Road at the access to the proposed residential development together with some minor revisions to the internal roads and footways. It is also proposed to widen the access serving the Springfield Bungalow development from circa 4m to 4.8m for the first 10 metres in line with the comments of the Highway Authority.

The Highway Authority has consequently confirmed that the principle of the development is now acceptable. I note that although some outstanding issues remain which require clarification the Highway Authority is satisfied that these could be controlled and appropriately secured by condition should permission be granted. These issues include drainage of surface water to a publicly maintained system, the limit of the adoption of the highway and the provision of dropped crossing points. Subject to appropriate conditions securing this there is no objection in this regard.

The Highway Authority officer has also confirmed that the level and timing of trips to and from Springfield Bungalow raise no concerns given the proposed improvements to the existing access.

With regards to parking provision, this equates to circa 1 space per one or two bed dwelling and 2 spaces for 3 bed properties. 4 visitor/staff spaces and an ambulance space would serve the proposed supported living units.

The Highway Authority has raised no concerns with regards to the parking provision for both elements of the proposal. It has confirmed that any comments made are in accordance with national and local highway guidance.

Taking account of the above considerations it is therefore considered that the proposal would not result in any detrimental impact upon highway or pedestrian safety in accordance with policies SP2, CP9, DM5, So/Ho/2 and TA3 and TA4.

I note that a number of comments have been received with regards to impact on existing highway conditions, highway and pedestrian safety and increased traffic which relate to both this application and to the stand alone application for the proposed alteration to the existing access on Springfield Road which is also on the agenda for this Planning Committee.

The comments received with regards to the acceptability of the design and quality of the proposed works to the existing access are duly noted. It is acknowledged that there has been a substantial number of exchanges of correspondence between the Highway Authority and local residents with regards to these matters and to highway and pedestrian safety and the adoption of the access by the Highway Authority together with matters of land ownership (which are discussed below).

I note that the Highway Authority has raised no additional comments to the revised proposal.

The Highway Authority are satisfied that the details shown on the drawing deposited with the application are satisfactory and adequate for the purposes of determining the application and are in accordance with Highway guidance and the guidelines contained within the Highway Design Guidance - the 6Cs Design Guide.

It is again accepted that some minor amendments may be required to the design of the associated footway and access to secure a pedestrian crossing which the Highway Authority consider could be resolved as part of a the Highways Act section 278 Agreement.

I note the comments with regards to the adoption of the access. Given the issue of Rights of Way over land within the application site, the adoption of the access beyond the highway boundary may not transpire. However, in such an event the appropriate design of the proposed access and roads, which would include elements such as drainage, street lighting, pedestrian access points, surfacing etc can be secured through a clause in the S106 requiring it to be of a high standard in line with highway guidance together with the establishment of a Management Company which would be responsible for its future maintenance as a such in perpetuity. Any purchaser of a property within the development would be aware of their obligation of any required contribution towards the maintenance of the roads and access when buying any dwelling.

I also note the comments with in relation to the ability to provide the 2.4m minimum visibility splays. The Highway Authority has raised no concerns with regards to this matter. Issues of landownership which may prevent the provision of said visibility splays are discussed below.

With regards to comments received with regards to the Transport Assessment deposited with the application the Highway Authority have advised that according to the Highway Authority guidance provided in the 6C's highways design guide, no such Transport Statement is required until a development reaches 50 dwellings (this development does not reach that trigger).

Development of less than 50 dwellings are generally not seen to add sufficient levels of additional traffic to require assessment

The submission of the Transport Statement may have been seen as useful additional information in this instance.

Although some of the traffic count figures in that statement are dated 2012, that would have been acceptable at the time of writing and submitting the report.

Seeking new figures would be not be justified since it is clear that for a 'capacity/congestion' issue to arise, traffic flows in that area would have had to have increased many-fold since 2012 on both Halloughton Road and Nottingham Road. Despite local development, there is no reason for such an increase to have taken place.

Previously agreed Conditions 7, 8, 9, 10, 12 and 14 relating to surfacing and drainage of driveways, parking and turning areas, position of garage doors, width of the private drive serving Springfield Bungalow, the provision of dropped vehicular crossing. It is considered that these remain relevant and these should again be imposed should Members be minded to grant permission. It is considered that these remain relevant and these conditions should again be imposed should Members be minded to grant permission.

It is therefore considered that the proposal remains in accordance with policy DM5.

Ecology

Paragraph 116 of the NPPF outlines that in determining applications LPS should conserve and enhance biodiversity. Permission should be refused for proposals which result in significant harm which cannot be adequately be mitigated for and opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the DPD states that significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures) provided, where they cannot be avoided.

Policy E3 of the amended SNP outlines criterion in relation to Green Infrastructure and biodiversity. Of particular reference to this application is that development proposals must demonstrate how biodiversity will be conserved and enhanced, the creation of additional habitat space, the provision of buffer strips and replacement planting.

The comments of NCC Policy are noted with regards to the extent of the survey undertaken. An extended survey has been subsequently undertaken in line with these comments which include the site of the bungalow. The Nottinghamshire Biological and Geological Records Centre (NBGRC) have been consulted which confirm that the site is not a statutory or non-statutory site and has not been identified as containing any mapped habitats of any significance.

The extended survey also confirms that there are no recent records of reptiles within the locality.

The extended ecological survey concludes that the site does not contain features that would be of potential interest to wildlife and that the site, having been cleared as part of land management, is relatively inaccessible to significant wildlife except for birds and possibly bats.

There are some marginal areas that will provide feeding for invertebrates, in particular butterflies or moths. No evidence of protected species or well established habitats that may support significant populations of protected species has been identified on the site.

The level of biodiversity within the footprint of the development site area is now considered to be relatively low. There are no significant habitats on this land identified that will be lost as a result of

any change of land use and the site is not positioned so as to provide a strategic or important linkage between nearby sites of ecological interest.

The development would require the removal of two trees on the east boundary and cutting back of some short stretches of boundary Hawthorn hedgerow. Suitable planting and habitat creation around the marginal areas, particularly the south west and west of the site will help to promote the diversity of these areas.

A condition to encourage works outside the bird nesting season or control works within it is recommended. In addition it is recommended that a condition be attached to any permission to secure that the mature Poplar tree identified for removal should be checked once again prior to felling to ensure there are no roosting bats present.

Subject to conditions I am of the opinion that in taking account of the results, conclusions and recommendations of the extended ecological survey, the proposal would not result in such an impact on the biodiversity of the area to justify refusal on these grounds either in its own right or taking account of any cumulative impact with the nearby Miller homes development. The proposal is therefore considered to accord with policies CP12, DM7 and E3.

Being mindful of the revised layout plan which results in the loss of part of the landscape buffer zone a section of the boundary with Springfield House, I am of the view that this would not be so significant as to unduly harm the ecology or biodiversity of the area to justify refusal on these grounds.

Previously agreed conditions in relation to ecological matters are considered remain relevant and as such these should again be imposed should Members be minded to grant permission.

It is therefore considered that the proposal remains to accord with policies CP12, DM7 and E3

Developer Contributions

Policy DM3 relates to 'Developer Contributions and Planning Obligations' and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

With the exception of affordable housing all developer contributions are being provided fully in accordance with the Council's SPD. That is not to say that the level of affordable housing provision proposed is unacceptable, albeit it is necessary to understand the context of the type of affordable or 'community' housing which could be secured.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met.

In circumstances where only housing is proposed one would normally seek to secure 11 no. affordable housing units (30% of the 38 units proposed). In this particular case the proposal

involves the 'gifting' of a bungalow and its curtilage to Reach. For the avoidance of doubt there are several issues with this position in policy terms:

1. Independent living does not provide affordable housing
The Reach Project is a registered charity and not a registered provider. The provision of units via this project does not meet the definition of affordable housing. It is accepted that such provision would meet an important community need, albeit not an affordable need.
2. The proposal does not propose actually delivering the Reach units
The scheme as submitted proposes 2 no. traditional on site affordable units. With respect to the assisted living units what is actually proposed is the land and bungalow being gifted to the Reach Project. It would be for Reach (who are joint applicants) to actually convert the building in the first instance and to fund the extensions to create the bedroom wings proposed. In essence it is reported that the applicant will assist in delivering the project by gifting the asset itself
3. Is it appropriate to provide independent accommodation in lieu of affordable housing and how can it be ensured that what is secured is equivalent to 30% affordable provision?
Whilst I am clear the Reach project cannot provide affordable housing I am of the opinion that as a matter of principle it is legitimate to accept needed housing provision for a section of the community in lieu of affordable housing provision. The issue is how one can conclude whether an appropriate level of in lieu provision is being secured. Normally an extra care/assisted living house could be swapped on a one-for-one basis for affordable units. In this case there are 12 beds (not 12 units) which could be provided if the bungalow is extended through funding that Reach would need to secure (not that will be provided by this development). Given that one is not comparing like-for-like provision there has been some difficulty in addressing the issue of whether sufficient quantum's of affordable housing or in lieu provision is being properly secured. The fairest and most objective way to assess this in my opinion was to attach a financial value to the bungalow being gifted, to look at all other S106 contributions being delivered, and to then see (after development profit) whether there was any additional scope left to also secure on-site affordable housing. The only way to do this would be through a viability appraisal.

A viability assessment for the site has been undertaken for the development which has been independently assessed on behalf of the Council. Following much debate, negotiation, and review between the two sets of professionals there remains some professional disagreement in terms of the levels of affordable provision which can be provided in viability terms, in addition to the existing bungalow being gifted to Reach and payment of all other developer contributions. I have replied solely on the views of the Council's own assessors, who have concluded that in their professional opinion the scheme should provide for: 1) the gift of the bungalow; 2) 2 no. on site affordable housing units (1 no. 2 bed and 1 no. 3 bed); and 3). the payment of all other developer contributions. The applicant has now agreed to provide this despite ongoing professional disagreement between the respective viability experts.

Subject to the above being secured via a S106 agreement, and to clauses securing repayment of the value of the bungalow (valued at £600,000) plus indexation to the Council for affordable housing in the event that the Reach project is not delivered within an appropriate timeframe (3 years) it is considered that the proposal is acceptable.

The phasing of the Reach development in relation to the residential development will be secured through the S106 agreement in order to safeguard the appropriate delivery of the Reach units which are in lieu of the affordable housing provision.

All other developer contributions remain as outlined below:-

In terms of other developer contributions, the scheme as detailed above is policy compliant in that every requested contribution would be met and secured through the Section 106 Agreement as follows:

Public Open Space

The Council's SPD on Developer Contributions sets out that for a proposal of 38 units the following POS provision would apply:

It is noted that as the proposed layout shows areas of landscape buffer zones, meadows and swales this is sufficient to meet the need for amenity green space.

Children's and Young Peoples Space delivered through the payment of a commuted sum would need to be payable calculated as £903.22 per dwelling (index linked to 2013) for provision and £1004.50 per dwelling for maintenance (equating to £72493.36)

Monies would be intended to contribute to either the memorial park or the skate park. This is to be agreed with Southwell Town council.

Community Facilities

The SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1181.25 per dwelling (index linked back to 2013) to be sought. Based on the 38 dwellings, a contribution of £50,809.50 is required. The community facility contribution would be in relation to Southwell Leisure Centre

Education

Paragraph 72 of the NPPF states that *"the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement..."*

NCC have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the additional 8 primary places arising from the proposed development.

Based on this projection an education contribution of £91,640 (8 x £11,455) is sought to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. Secondary school places would be provided for through CIL.

This offer would be met in full and in this regard the proposal accords with Policy DM3, the SPD and the NPPF subject to securing the funds through a S.106 Agreement.

Highways

The HA considers the requirement to enhance some public transport facilities to be reasonable and necessary to make the development acceptable in planning terms. This would satisfy the

County Council's requirements under the Planning Obligation Strategy (April 2014) (PCS). It would require a financial contribution in the region of £32,000 towards sustainable transport measures in terms of enhancements to the nearby bus stops and the provision of strategic pedestrian refuge crossings points.

Education and Libraries

Where development generates a need for additional library provision (in terms of build costs and/or stock) the SPD sets out that a contribution can be sought. However, Nottinghamshire County Council has confirmed that no contribution would be required in this instance.

Health

The site is below the threshold of 65 dwellings for requiring a contribution towards health as set out in the Developer Contributions and Planning Obligations SPD.

Other Matters

Archaeology

Policy So/Ho/2 states that the development will be subject to 'the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application. This is reflected in Policy SS2 of the amended SNP.

The comments of NCC Archaeology are noted and I and would concur that taking account of the information deposited with the application and the archaeological sensitivity of Southwell the imposition of a condition, should members be minded to grant permission, which would safeguard a level of archaeological supervision of any ground works which take place and any works scaled back or enhanced accordingly.

Land Ownership

A number of comments have been received with regards to issues of land ownership and the validity of the application in relation to the areas of land shown on the revised plans forming the visibility splay to either side of the access to the proposed residential development and to an area of land to the southern boundary with Springfield House.

It is acknowledged that a revised site plan has been deposited during the lifetime of the application which, having taken account of the Highway Authority comments incorporates within the red line an area of land along the grass verge to the front of no.s 36 and 38 Halloughton Road to provide a visibility splay. It also included a minor revision to the red line along the boundary with Springfield Bungalow.

Comments have been received which state that these revisions to the red line boundary of the site invalidate the application, given that the land shown for the purposes of the visibility splay does not fall within the ownership of the applicant and that requisite notice has not been served on the relevant landowners.

Following lengthy discussions between local representatives, NCC and NSDC legal officers, the highway authority and the agent, no clear evidence has been put forward by either party to identify the owner of this land (including the sub soil). The applicant has consequently and without prejudice served notice on both the occupier of no. 36 and 38 Halloughton Road to regularise this matter. Should the occupiers or the highway authority refuse access then this would be a private

legal matter between the interested parties. Access is material to the acceptability of the scheme and so for the avoidance of any doubt a planning condition is recommended requiring that this access and splay is provided prior to the commencement of any residential unit.

I am satisfied that due process and consideration has been undertaken with regards to these matters such that determination can be made.

I note the additional comments received with regards to issues of land ownership of the grass verge which extends to the front of properties to either side of the altered access and which would incorporate the proposed visibility splay serving this access.

Again there has been an extensive exchange of correspondence between local representatives and NCC officers with regards to these grass verges which would provide the proposed visibility splay. I am aware that a large amount of supporting evidence has been submitted to the County Council to challenge the extent of the highway along Springfield Road with a further batch recently received by them and under consideration.

NCC is currently still of the view that, based on the evidence before them, they are satisfied that the land within the grass verge is indeed highway land and that their records of highway extent are correct. Although it is not clear who owns the sub soil below the land within which the proposed visibility splays are located there is considerable highway extent in this location. NCC is therefore currently of the view that the land is adopted highway and that the surface (to the extent of being reasonably required for highway purposes) is vested in the County Council as Highway Authority.

The applicant has served notice on both the occupiers of the adjacent dwellings, albeit without prejudice and on the NCC Highway Authority.

Taking the above into account I am satisfied that due process and consideration has been undertaken with regards to these matters and although this is an ongoing matter between the local representatives and the Highway Authority it would fall outside of the remit of the planning process. As such I am satisfied that determination of the application can be made.

Public Consultation

The comments received with regards with the level and timing of the consultation process that has been undertaken is acknowledged. Consultation has been undertaken in accordance with legislative requirements. Site notices were, a press notice placed in the local newspaper and adjoining neighbours have been originally notified of the proposal and reconsulted on revisions to the scheme.

Accuracy of drawings and ability to view documents

Having visited the site and assessed the proposal against the submitted plans and details I am satisfied that the documents deposited with the application allow a full consideration of the proposed development and its impacts. Plans and documents deposited with the application are available to view on the Councils website and a copy is held at the District Councils offices

Use Class of supported living

I note the comment received with regards to the use Class of the supported living units. Taking account of the Town and Country Planning (Use Classes Order) 1987 (as amended) I am satisfied that the supported living units would fall within Use Class C2 – residential accommodation and

care to people in need of care, as a level of care will be provided to the residents of the unit. I do not consider that the unit would fall within use Class C 3 – dwelling house.

Impact on infrastructure

The comments received with regard to impact on the existing infrastructure of the town are noted. However, such matters would have been considered at the time of the sites allocation for residential purposes. Moreover, the provision of enhancements to existing infrastructure will be secured via the developer contributions. It is therefore considered that the number and types of dwellings proposed would not result in such an increase in the number of residents within the town to justify refusal on these grounds.

Comments received in relation to not being able to meet with the County Council are not material planning considerations in determining this application.

Conclusion and Planning Balance

Following the sites allocation through the Local Development Framework, the principle of residential development is considered acceptable. Furthermore the proposed extension and alteration of Springfield Bungalow to provide supported living units is supported in lieu of affordable housing provision, subject to this being secured via a S106 Agreement. On site affordable housing will also be secured, as will all other developer contributions. There are no unacceptable impacts with respect to flooding, character an appearance of the area, heritage, highway, or other issues assessed above.

Taking account of the additional comments which are italicised and bold I am of the view that the revision to the red line site plan and site layout are not so significant as to render the proposal unacceptable. There have been no significant changes in policy or site circumstances which would alter the officer recommendation in this instance. It is recommended that permission be granted subject to the following conditions and the signing and sealing of the S106 Agreement.

RECOMMENDATION

That full planning permission be granted subject to:-

- **the following conditions: and**
- **the signing and sealing of a Section 106 Planning Agreement to secure the provision of Springfield Bungalow being gifted to the Reach Project (including relevant pay back clause(s)), on-site affordable housing (2 no. units), and developer contributions for open space, community facilities, education, and transport enhancements.**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents unless otherwise agreed in writing by the local planning authority through the approval of a non material amendment to the permission.

Drawing No. 12/1889/LP Rev D Revised Site plan

Drawing No. 12/1889/101/Rev F - Revised site layout

Drawing No. 12/1889/102/Rev A - proposed roofscape

Drawing No. 12/1889/103/Rev A - proposed street elevation

Drawing No. 12/1889/120/Rev A - House type A

Drawing No. 12/1889/121/Rev A - House type B

Drawing No. 12/1889/122/Rev A - House type B

Drawing No. 12/1889/123/Rev A - House type C

Drawing No. 12/1889/124/Rev A - House type D

Drawing No. 12/1889/125/Rev A - House type E

Drawing No. 12/1889/126/Rev A - House type F

Drawing No. 12/1889/05/Rev A - Springfield Bungalow Proposed ground floor layout

Drawing No. 12/1889/06/Rev A - Springfield Bungalow Proposed first floor layout

Drawing No. 12/1889/07/Rev A - Springfield Bungalow Proposed Elevation

Reason: So as to define this permission

03

No development shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] and the extension to the bungalow have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- means of enclosure;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.);
- the planting and screening along the southern boundary with Springfield House shown within the site boundary edged in red on the **revised site plan ref. 12/1889/LP Rev D**

Reason: In the interests of visual amenity and biodiversity

06

Before the development is commenced a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include time periods for implementation, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens. Once the landscape management plan is approved in writing the approved landscaping shall be completed in accordance with the approved timescales, or such longer period as may be agreed in writing by the local planning authority. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development conserves and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

07

No part of the residential development hereby permitted shall be occupied until all associated drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

08

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

09

The new shared private driveway serving Springfield Bungalow shall be laid out to a width of not less than 4.8 metres for at least 10 metres back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance with the approved plan. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area; all in the interests of Highway safety.

10

No part of the Supported Living Units hereby permitted shall be brought into use until the new dropped vehicular verge crossing serving Springfield Bungalow is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

11

No part of the development hereby permitted shall be commenced until visibility splays of 2.4m x 43m {minimum} are provided at the junction with Halloughton Road.

Reason: In the interests of Highway safety.

12

No residential unit or 'supported living unit' hereby permitted shall be occupied until its associated private access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

13

No part of the development hereby permitted shall be commenced until details of the drainage and outfall proposals for the new residential access road have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards.

14

Before the development is commenced drainage plans for the disposal of surface water and foul sewerage drainage and precise drainage design details in accordance with the Flood Risk Assessment dated July 2015 and the Flood Risk Assessment Addendum dated 18th December 2015 and the comments of the Nottinghamshire County Council Flood Authority have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD {2011) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD {2013).

15

The drainage system on site shall be designed so that the positive discharge will be restricted to a maximum of 5.7/s and connected to the public combined sewer in accordance with paragraph 3.9 of the Flood Risk Assessment Addendum produced by ACS and dated 28/10/15 revised 18/12/15.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD {2011) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

16

There should be no surcharge of the pipes on a 1year storm. No surcharge in a 30 year storm and no flooding outside the site boundary in a 100 year +30 climate change storm.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policies 9 and 10 of the Newark and Sherwood Core Strategy DPD (2011) and Policy So/Ho/2 of the Newark and Sherwood Allocations and Development Management DPD (2013).

17

No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

18

Removal of vegetation (including any trees to be removed following confirmation and approval of precise details through a reserved matters application) should not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to removal of any such vegetation and once approved all works shall be in accordance with these details.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy 2011.

19

Before development is commenced detail of methods to protect trees and hedgerow within and adjacent to the development in accordance with 855837:2012 as well as a proposed timetable for these measures to be retained shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the agreed protection measures shall be put in place prior to commencement of development and shall be retained in accordance with the agreed timetable.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation in accordance with the aims of Core Policy 12.

20

Before development is commenced the Poplar Tree identified as being within G3 in Appendix 1 of the Tree Survey prepared by Chris Barker and dated 11th November 2015 shall be checked for

the presence of roosting bats in accordance with the recommendations of the Ecological Appraisal and letter prepared by CBE Consulting dated 9th November 2012 and 5th January 2015.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy 2011.

21

Before development is commenced precise details of ecological enhancement and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of:-

- A Habitat Management Plan
- Proposed grassland seed mix for the proposed wildflower meadow and the Square
- Fencing to allow the passage of small mammals
- Enhancement of swales to benefit wildlife, by providing areas of continuous standing water and appropriate planting of native species of a local provenance.
- Installation of bird and/or bat boxes on retained trees.
- Native species proposed for the planting of native woodland

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy 2011.

22

Management of hedgerows should be undertaken in an ecologically sensitive manner. Only one third of (the total length of) hedgerows onsite should be cut each year, on a three year rotation. These should be cut in January/February, outside of the bird breeding season, and to allow wildlife to utilise the winter berry crop. Cutting hedgerows into an "A" shape will prolong the life of the hedgerow and create denser cover for wildlife.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy 2011.

23

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwelling house, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse .

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access

Class C: The painting of the exterior of any building

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

Notes to applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted on 0300 060 3900

04

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

05

The developer is advised that working methods will need to follow best practice regarding badgers and mammals.

06

Your attention is drawn to the attached comments of the Nottinghamshire County Flood Authority date received 6/1/2016

07

This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership or control of the applicant.

BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext 5840.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Application No:	16/01369/FUL	
Proposal:	Alteration of existing vehicular access on Halloughton Road, installation of kerb radii and provision of visibility splay.	
Location:	Springfield Bungalow Nottingham Road Southwell NG25 0QW	
Applicant:	Mr Holroyd and Armstrong	
Registered:	25th August 2016	Target Date: 20th October 2016
	Extension of Time Agreed until 30th April 2017	

This application has been referred to Planning Committee by Councillor P. Handley.

The Site

This application relates to an existing, albeit currently overgrown, access located between no.s 36 and no.s 38 Halloughton Road which has historically served land to the rear of Springfield Bungalow, a detached bungalow with an additional access close to the junction of Halloughton Road and Nottingham Road. The land to the rear of the bungalow is allocated in the Newark and Sherwood LDF Allocations and Development Management DPD (2013) for housing development - Southwell Housing Site So/Ho/2.

The immediately adjoining properties to the north and North West of the site are a mix of single and two storey detached dwellings. The immediately adjoining properties No.s 36 and 38 Halloughton Road are detached bungalows.

The site lies to the west of the Conservation area.

Relevant Planning History

15/01295/FULM – At a meeting in June 2016 Planning Committee resolved to grant full planning permission for residential development of 38 dwellings and conversion and extension of existing residential property to form 12 supported living units subject to conditions to be delegated to the Business Manager, Vice Chair of Planning Committee and the Leader of the Council and to the signing and sealing of a S106 Agreement. The conditions were presented to and agreed by Planning Committee in September 2016. The S106 is currently being drafted. Given revisions to the proposed site layout, this separate application is being represented to the Planning Committee as part of this agenda.

The Proposal

Full planning permission is sought for the alteration of the existing vehicular access to include the installation of kerb radii and the provision of a visibility splay which would measure 2.4m x 43m to serve the land to the rear of Springfield Bungalow.

Departure/Public Advertisement Procedure

Occupiers of 117 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

Allocations and Development Plan Development Plan Document (DPD) Adopted July 2013

Policy DM5 Design

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

Southwell Neighbourhood Plan 2015-2026

Policy TA3 – Highways Impact

6Cs Design Guide

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012

Planning Practice Guidance (PPG) 2014

Consultations

Southwell Town Council - Southwell Town Council considered application 16/01369/FUL, Springfield Bungalow and agreed to object to the application on the ground of non-deliverability due to lack of proof of the ownership of the land where the splays are to be built and lack of acceptable pavements

NCC Highways Authority – There is no objection to this application. The access and the visibility splays lie within land either controlled by the applicant or forming part of the public highway.

Notwithstanding the details shown on drawing 12/1889/750, minor detailed amendments may be required to the design of the access and associated footway to ensure that pedestrians have a clear point where they may cross Halloughton Road. This may require providing a pedestrian dropped crossing point on the north side of the road, but these amendments can easily be resolved as part of the Highways Act Section 278 Agreement in due course.

Notes to applicant:

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

Severn Trent Water - There is clean water apparatus in the area of the proposed new access road, the developer will need to contact Severn Trent Water New Connections team as detailed below to assess their proposed plans for diversion requirements.

NCC Flood Authority – No comments are raised

Representations have been received from 42 local residents/interested parties (some from the same addresses) which can be summarised as follows:-

Highways

- Approval would be reckless
- The access is at right angles to the highway
- Increased traffic volume which would be unsafe and would impact on traffic flow and exacerbate existing highway issues, particularly at school times
- It would impact on highway and pedestrian safety – if approved the Council must take some responsibility
- Existing traffic regulations in place on Halloughton Road are ignored by motorists – Halloughton Road is used as a cut through between Westgate and Nottingham Road
- The access would join the highway where there is no pavement – no pavement is shown and there are no details of pedestrian provision in the application.
- The access is on an unsafe bend
- The access would create an unsafe and unfit for purpose access serving 80 dwellings
- The Highway Authority has raised no objections. However, the proposal fails to comply with highway regulations and meet the national standards set out in Manual for Roads and 6Cs Design Guide. This renders their comment misleading and liable to pervert the planning process
- There would be increased accidents and damage to pavements (particularly as a result of HGVs entering the site)

- No reference is made to the 2015 application, no relevant traffic survey has been deposited with the current application and the developer has avoided peak times – therefore the Highway Authority cannot fully assess the proposal
- To consider access on traffic flow numbers based on a no right turn at Westgate is misleading and unsafe
- There are unsafe junctions at both ends of Halloughton Road
- The splays do not meet the requirements – 2.4m has been measured to the trunks of the hedges and not to the spread
- There would be insufficient visibility
- The new development at Becketts Field would exacerbate highways issues raised
- The Town Council have opposed the proposal on the grounds of highway safety
- Visibility entering Westgate and exiting onto Nottingham Road is very poor
- The road is not gritted and is icy in poor weather
- The sheltered housing scheme would also generate increased traffic
- Given that the private road will be burdened by the existence of a private right of way, issues of highway safety etc. cannot override the exercise of this right
- As the NCC has confirmed that it will not adopt the access, the Highway Authority should review the suitability of the access for the residential development to the rear land for 38 houses as a private road
- As the access will not be adopted, than the original application should be reviewed on this basis as this will need to in accordance with relevant guidance and appropriate different conditions
- The private road will be under the overall control of residents in the form of a management company and the same level of highway safety cannot be assured which renders the access less safe
- An access unfettered by private rights and suitable for adoption would be highly likely to be able suitable to support the density of housing as proposed and a greater number of vehicles rather than an unadopted road
- The proposal is predicated on an adopted access which cannot be achieved. Should permission be granted this should be conditioned or the the number of dwellings should be reduced
- No traffic assessments have been deposited with this application and the assessment deposited with the residential development application should be updated

- The applicant has always been aware of existing Rights of Way
- Existing traffic regulations on Halloughton Road are ineffective
- The housing development requires road improvements
- Cumulative impact from the Reach sheltered housing project and Becketts Field development

Amenity

- There would be loss of privacy for occupiers of adjoining properties
- There would be an increase in noise and light pollution
- An entrance serving 45 dwellings would result in increased pollution and health issues

Land Ownership

- The proposed visibility splays are proposed on land which does not fall within the ownership or control of the applicant or the County Council but which belongs to the residents at 36 and 38 Halloughton Road and the legality of this is questioned
- The Highway Authority has stated that the access and visibility splays lie within land controlled either by the public highway or the applicant. This has been challenged and no evidence has been provided by NCC in terms of ownership despite a number of FOI. They have never maintained the verge. This statement is therefore false and it is requested that determination of the application is delayed until this issue is resolved
- The owners of no. 36 have a right of way over the land and are not prepared to relinquish this permissive right and enforce it in full. The Highway Authority have confirmed that they would not be in a position to adopt the vehicular carriageway over which there exists a private right, in this case, a right originally granted in 1988 to pass and repass on foot with or without a wheelbarrow
- Owners of the verges have refused access and therefore the proposal is undeliverable and the applicant has no means to secure it
- A pedestrian crossing cannot be provided as it would encroach on land not in the ownership of the applicant
- The application seeks to override landownership issues that have previously been raised
- The applicant has served notice on residents at no.s 36 and 38 Halloughton Road – therefore the Council accepts their ownership of the verges. The splay also extends to the front of 34,40 and 42 and no notice has been served on these properties therefore the application is invalid.

- There are rights of way over the land which is not identified in the application. These will not be relinquished
- There are services within the land which are not identified
- Evidence deposited with NCC shows the southern boundary of the original ancient highway defines the historic of the adopted highway to the south. Evidence has been forwarded to NCC which demonstrates that the extent of the southern boundary and given the topography of the land this defines the land as ancient highway running along the bottom of the embankment to the eastern end of Halloughton Road and not half way up as suggested by NCC. NCC only has an assertion of the extent of the highway which is not supported by any evidence.

Flooding

- No drainage details have been submitted
- Issues are raised with regards to flooding and water run off – this is a dispute raised with the 2015 application
- Independent professional advice has shown that the residential development (15/01295/FULM) would increase flooding and mitigation measures are inadequate. The proposed access would channel water directly onto properties to the east
- The pavement and swale shown on the drawings would result in water flowing from the swale onto the splay and highway and neighbouring properties;

Accuracy

- The description of development is misleading and false there is not an existing or useable vehicular access which serves the bungalow here, vehicular access has never occurred. (There is however a dropped kerb in this location) – the application is therefore invalid.
- The existing access to the bungalow is closer to Nottingham Road
- The plans are inaccurate – they do not reflect the actual situation - there is no verge for the visibility splays to be cut into it would be on the adjoining properties and the access to the bungalow is not shown;

Miscellaneous

- This is a duplicate application – Planning permission already exists (15/01295/FULM)
- The purpose of the access is unclear but the proposal is clearly intended to serve the residential development (15/01295/FULM) although no reference is made to this.
- Opposition is raised to the residential development to the rear of the access;

- A new access would be more viable on Nottingham Road (to reflect the Becketts Field Development) perhaps served by a roundabout or traffic lights
- A pedestrian/cycle access on Halloughton Road would encourage new residents to walk or cycle to the town centre
- Although not opposing the residential development objections are raised to the proposed access on Halloughton Road
- The offering of the bungalow to an organisation which struggle to find funds is questionable – what will happen if they are unable to find the funds
- The only purpose of the application is to delay CIL payments required by the 2015 application – the current application should be heard by other committees other than Planning which deals principally with land use issues
- The application duplicates the 2015 application – no reference is made to this in the submitted documents. Therefore the public do not have the correct information
- Any decision by planning committee is therefore challengeable on the basis of a fundamental process failure by the Council
- Both applications are unsuitable and do not meet legislation and should be rejected and a more suitable plot of land approved from 38 dwellings from those submitted during the SHLAA which received favourable responses from local residents but were not adopted by NSDC.
- Status of application 15/01295/FULM is incorrect - it is shown as pending
- Both applications should go to the same planning Committee
- Requests have been made with NCC to meet to discuss highway issues, land ownership, evidence of ownership, adoption and previous site inspections which have been unsuccessful.
- The residential development is of poor design

Comments of the Business Manager

Principle of Development

Members will be aware that an application for land to the rear of Springfield Bungalow, a housing site allocated within the Allocations and Development Plan Development Plan Document, was presented to planning committee on the 7th June 2016 where Members resolved to grant planning permission in accordance with officer recommendation and to delegate the approval of conditions to the Growth and Regeneration Business Manager, the Leader of the Council and Vice Chair of the Planning Committee. This permission remains as pending whilst the S106 is drafted and agreed.

One of the agreed conditions for the pending decision requires the provision of visibility splays at

the access to the site at its junction with Halloughton Road.

This application is a separate and stand-alone proposal for the alteration of the existing access on Springfield Road which historically served the land to the rear of Springfield Bungalow and which has been deposited in order to resolve the issue of proposed works on disputed land within the required visibility splays which arose during the lifetime of the 2015 application. As such it therefore remains that this proposal has to be assessed separately on its own merits.

The main issues are in relation to highway and pedestrian safety, land ownership and Rights of Way over the land.

Highways Matters

Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Core Policy 9 requires proposals to be accessible to all. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and location of the development.

Policy TA3 of the Southwell Neighbourhood Plan seeks to ensure that new development does not adversely affect the highway network.

I note that a number of comments have been received with regards to impact on existing highway conditions, highway and pedestrian safety and increased traffic which relate to both the proposal to alter the existing access on Springfield Road and in relation to its perceived association with the residential development to the rear of Springfield Bungalow (which Members resolved to approve in June 2016). This 2015 application is also on the agenda for this Planning Committee meeting following the submission of a revised red line site boundary plan and the comments raised regarding highways matters and land ownership in relation to that particular residential development will be discussed within the body of the related report.

The comments received with regards to the acceptability of the design and quality of the proposed works to the existing access is duly noted. It is acknowledged that there have been substantial exchanges of correspondence between the Highway Authority and local residents with regards to these matters and to highway and pedestrian safety and the adoption of the access by the Highway Authority together with matters of land ownership (which are discussed below).

I note that the Highway Authority has raised no objections to the proposed alterations to the existing access nor have they raised any specific highway safety issues relating to vehicles or pedestrians.

The Highway Authority are satisfied that the details shown on the drawing deposited with the application are satisfactory and adequate for the purposes of determining the application and are in accordance with Highway guidance and the guidelines contained within the Highway Design Guidance - the 6Cs Design Guide.

It is accepted that some minor amendments may be required to the design of the associated footway and access to secure a pedestrian crossing which the Highway Authority consider could be resolved as part of a Highways Act section 278 Agreement.

I note the comments with regards to the adoption of the access. Given the issue of Rights of Way over land within the application site, the adoption of the access beyond the highway boundary may not transpire. However, in such an event it is considered reasonable that should Members be minded to grant permission for the proposed alterations to the access a condition could be attached requiring the private access to be constructed to an appropriately high standard which would be maintained in perpetuity by the owner of this particular application site should the Highway Authority decide not to adopt in this instance.

I also note the comments with in relation to the ability to provide the 2.4m minimum visibility splays. The Highway Authority has raised no concerns with regards to this matter. Issues of landownership which may prevent the provision of said visibility splays are discussed below.

Other matters

Land Ownership

I note the comments received with regards to issues of land ownership of the grass verge which extends to the front of properties to either side of the altered access and which would incorporate the proposed visibility splay serving this access.

Again there has been an extensive exchange of correspondence between local representatives and NCC officers with regards to the grass verges which would provide the proposed visibility splay. I am aware that a large amount of supporting evidence has been submitted to the County Council to challenge the extent of the highway along Springfield Road with a further batch recently received by them and under consideration.

NCC is currently still of the view that, based on the evidence before them, they are satisfied that the land within the grass verge is indeed highway land and that their records of highway extent are correct. Although it is not clear who owns the sub soil below the land within which the proposed visibility splays are located there is considerable highway extent in this location. NCC is therefore currently of the view that the land is adopted highway and that the surface (to the extent of being reasonably required for highway purposes) is vested in the County Council as Highway Authority.

The applicant has served notice on both the occupiers of the adjacent dwellings, albeit without prejudice and on the NCC Highway Authority.

Taking the above into account I am satisfied that due process and consideration has been undertaken with regards to these matters and although this is an ongoing matter between the local representatives and the Highway Authority it would fall outside of the remit of the planning process. As such I am satisfied that determination of the application can be made.

Impact on existing Rights of Way

The comments received with regards to the Right Of Way currently in place over land along the western boundary of the application site within the proposed altered access in relation to pass and repass on foot with or without a wheelbarrow over land are acknowledged and that this issue has been the subject of exchanges of correspondence between local residents and Nottinghamshire County Council. It is noted that Nottinghamshire County Council have clarified that, while such rights are private rights and are therefore matter of private law, the Highway Authority would not be in a position to accept the adoption of that vehicular access whilst ever such a private right existed on the land (as the exercise of such a private right over such extent would conflict with the unfettered exercise of a subsequently-dedicated public vehicular right over

the same extent). It is evident from correspondence submitted to the District Council that this Right of Way will not be relinquished and as such this would prevent the formal adoption of the access by the Highway Authority should Members be minded to approve this application.

However, the Highway Authority has advised that should the Right of Way remain the proposed altered access could remain private but would need to be constructed to an appropriate standard within the highway boundary and would need to be maintained as such in perpetuity. This could be secured by condition.

Taking this into account I am satisfied that the works to the access could be constructed to an appropriate standard in accordance with the submitted details whilst the existing Right of Way would remain intact.

The comments received with regards to the occupiers of Springfield House's Right of Way over land to access gas and electrical services and the potential disruption of energy supplies are acknowledged. Again this would be considered to be a private legal matter. However, I consider that it would be reasonable to attach a note to the applicant should Members be minded to approve the proposal to draw this matter to the attention of the applicant.

Drainage

I note that the Lead local Flood Authority has not raised any comment. It is acknowledged that no drainage details have been submitted with the application. However, these can be secured by condition to safeguard the site and the adjoining land and highway from surface water run-off.

Accuracy of the application

Having visited the site it is evident that there is an existing dropped kerb within the application site, albeit overgrown and unused for some time. Notwithstanding land ownership issues, there are grass verges to each side of the access which could provide the visibility splays.

Other matters

The documentation and drawings submitted with the application do not make reference to application 15/01295/FULM. Similarly I note the comments with regards to the avoidance of CIL payments that would be required by the permission. However this is a separate stand-alone application to the 2015 application and therefore, notwithstanding the resolution to approve a residential development on land to the rear of Springfield Bungalow, it remains to be assessed purely as proposed works to an existing access and therefore on its own merits. Should the access alterations be approved and completed prior to the permission being issued for residential development of the land to the rear of the application site then the CIL requirement for the residential development would not be triggered.

Comments received which relate to the residential development (application ref. 15/01295/FULM) with regards to design of the residential development, the Reach project, road improvements and reduction in housing numbers are discussed in the report associated with the 2015 application which is also on this committee agenda.

Comments received in relation to not being able to meet with the County Council are not material planning considerations in determining this application.

Conclusion and Planning Balance

This application relates solely to the alteration of an existing access which currently serves land to

the rear of Springfield Bungalow. The Highway Authority has raised no objections to the proposed development. It is therefore considered that subject to the conditions suggested within this report permission be granted. The proposal is therefore considered to comply with Spatial Policy 7 of the Core Strategy, Policy DM5 of the Allocations and Development Management DPD and Policy TA3 of the Southwell Neighbourhood Plan.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall be carried out in accordance with the following approved plan:-

- 12/1889/750

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details of drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

04

No part of the development hereby permitted shall take place until details of the new access road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority

Reason: To provide a suitable standard of access and to allow for future maintenance.

Note to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

Your attention is drawn to the matter of existing Rights of Way for other parties over land within the site which would need to be addressed.

03

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

04

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext 5840

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01369/FUL



Application No:	16/01772/FUL	
Proposal:	Conversion of existing redundant agricultural buildings and new build to form 5 dwellings	
Location:	Hall Farm, School Lane, East Stoke, NG23 5QL	
Applicant:	Trustees of the Booth Charities	
Registered:	27 October 2016	Target Date: 22 December 2016
	Extension of Time Agreed until 8 March 2017	

This application was deferred at the Planning Committee meeting of 7th March 2017 to allow for clarification of the status of an existing wall fronting the south eastern boundary of the site. It has now been confirmed that the wall in question is not curtilage listed and the Committee report is presented as previous save for an update to the text relating to the Council’s position on its 5 year housing land supply (shown in bold italics for ease of reference) and a suggested amendment to the text of proposed condition 13 to ensure any alterations to the existing wall and their relationship with the Conservation Area setting can be fully considered.

The Site

Hall Farm lies at the junction of Fosse Road (the former A46) and School Lane and is situated centrally within what is considered to be the main built-up area of East Stoke village. Comprising c0.47 hectares, the site appears largely flat with gentle grading from the north-west to the south-east and is currently occupied by three traditional brick buildings and larger, more recent, steel portal frame agricultural buildings.

Vehicular access is currently from School Lane with a largely open frontage along the boundary with the Fosse Road, with built form set considerably back from the brick wall that encloses this boundary. Land to the north and partly to the west is open fields. There are residential properties (one of which is Grade II listed) to the east on the opposite side of the former A46. To the south of the site is an open field. The associated farmhouse (Hall Farm House) to the west is Grade II listed but does not form part of the redevelopment site.

The site sits within East Stoke Conservation Area and in the wider area are historic battlefields and those closest to the site to the south and north-west are protected as Scheduled Ancient Monuments. The historic parkland to the north of the site is characterised by open grassland interspersed with mature trees but does not appear to benefit from any protected designation, other than representing a parkland setting of Stoke Hall, situated further west which is grade II listed.

The site lies within an area highlighted as being prone to surface water run-off according to the Environment Agency Maps.

Relevant Planning History

PREAPP/00094/13 – Proposed redevelopment of farmyard/buildings for residential (18 dwellings) and employment use. Negative advice given in July 2013.

PREAPP/00034/16 – Conversion/erection of 4 dwellings comprising two barn conversions and two new dwellings. Balanced advice was given in March 2016.

14/01529/FULM - Planning permission is sought for the demolition of existing portal frame agricultural buildings and associated hard standing and the construction of a mixed use scheme including 7 No. open market and 3No. affordable dwellings, 260 sq.m of commercial space (Use Classes A1, A2 and B1a), comprising new build and conversion of existing buildings, associated parking and environmental improvements. Application was withdrawn.

The Proposal

Full planning permission is sought for the conversion, alteration and extension of existing agricultural buildings to form two dwellings, the demolition of existing buildings and the erection of 3 new houses.

Plot 1 would comprise the conversion of a single storey barn to a 3 bedroom dwelling. It is proposed to extend this to create an L shaped plan form with a kitchen/diner and utility within the extension. Adjacent to this but detached would be a secure garage/gym/office.

Plot 2 would comprise a converted threshing barn to form a 5 bedroom dwelling over 2 storeys with gym/office and workshop accommodated within a retained adjacent barn and new build garages.

Plot 3 would comprise a detached 4 bedroom two storey new building fronting onto Fosse Road. This is designed to replicate a threshing barn but with a contemporary interpretation.

Plots 4 and 5 are both detached 2 bedroom two storey dwellings in a cottage style fronting onto the Fosse Road.

Vehicular access to the site would be from the existing access off School Lane to the south which currently serves farm yard, the adjacent listed farmhouse and White Cottage. In addition a new site access to the north, off Fosse Road is proposed to serve the remaining agricultural buildings. It is understood that once the new access is in place, the existing access would no longer be used by existing farm vehicles, albeit there is nothing to stop this.

The proposal is accompanied by an updated Ecological Survey, Topographical Survey, Transport Statement, Heritage Statement, Typology Study, Design and Access Statement, Preliminary Flood Risk Assessment and a range of visual images to show the proposed development.

Departure/Public Advertisement Procedure

Five neighbouring properties have been individually notified by letter. A site notice has been displayed near to the site entrance and an advert has been placed in the local press expiring on 24th November 2016.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing mix, type and density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment

Allocations & Development Management DPD

- Policy DM3 – Developer Contributions and Planning Obligations
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Developer Contributions Supplementary Planning Document, October 2008
- Conversion of Traditional Rural Buildings Supplementary Planning Document, October 2005
- Historic Environment Good Practice Advice in Planning Note 2 – ‘Managing significance in Decision-Taking in the Historic Environment’ and Note 3 ‘The Setting of Heritage Assets’
- Historic England Advice Note 2 ‘Making Changes to Heritage Assets’

Consultations

East Stoke Parish Council – Object for the following reason:

“In respect to the planning application itself, the council expressed strong concerns on the question of surface water, drainage and sewage, and decided to oppose the plans unless and until a properly organized survey was undertaken on the current situation and the effect of the development could have on it went ahead.

It said it wished to implore the planning authority to oppose the application until and unless a satisfactory professional survey was undertaken on the current surface water, drainage and sewage provision in the village and the effect five new properties would have.

The council are aware that drainage works have been undertaken in regard to flooding problems on School Lane, the old A46 and Moor Lane but feel this have not yet been tested because there had not been sufficient rain to cause serious problems and they are not aware of the current feeling in regard to them.”

NCC Highways Authority – Commented as follows on 14th December 2016:

“This proposal is for a development of 5 residential units served by the existing access onto School Lane, and retaining some of the farm buildings, served by a new agricultural access onto Fosse Road.

The information submitted states that *the proposed site layout shows that car parking will be within a communal courtyard area on the site. Allocated spaces are not proposed, and the proposed number of spaces will be appropriate for the number of dwellings and number of bedrooms within the dwellings.* The number of parking spaces available is not shown on the plans provided, so therefore, it is unclear whether sufficient space is available for the number of dwellings proposed, along with adequate manoeuvring space.

Whilst it is understood that there will be a reduction in the number of agricultural vehicles to the site, there is no information provided relating to the number of vehicles expected to use the proposed access. Could this be clarified by the applicant?”

Clarification was provided by the applicant on 24th January 2017 and the **Highways Authority commented further on 21st February 2017 as follows:**

“Parking layout plan

The agent has submitted a layout plan demonstrating the available parking per unit which is acceptable to the Highway Authority.

The existing access from School Lane is to be used for the proposed 5 dwellings, and the existing dwellings, the White Cottage and Hall Farmhouse. A new vehicular access is proposed onto the Fosse Road for agricultural vehicles only.

The applicant should contact Newark and Sherwood DC Waste collection to confirm suitable arrangements relating to bin collection, as it is considered that a refuse vehicle would not wish to enter the site.

Therefore, there are no highway objections to this application subject to the following being imposed:

1. No part of the development hereby permitted shall be brought into use until the agricultural access onto the Fosse Road has been completed and surfaced in a bound material for a minimum distance of 15m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the proposed agricultural access, in accordance with the approved plan. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

Notes to applicant

In order to carry out the off-site works required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans (0115) 804 0015 for further details.

NCC Lead Flood Risk Authority – “We have no objections to the proposals and I have attached a copy of the surface water maps for your info. The small blue areas are likely to be localised depressions and as such cause us no concerns. The darker blue areas suggest the highways carry surface water flows but this is quite normal.”

20/01/2017: Further advice was sought from the LLFRA which is set out as follows:
“As discussed this isn’t a major application so falls outside of our remit to act as statutory consultee however I appreciate your request for advice as the circumstances are quite complex.

My view from the information that has been sent is that appears to be no feasible discharge point for surface water from the site. Permeability tests have proven unsuitable ground for soak ways and Severn Trent Water have stated they will not allow any surface water discharges to be made to the foul sewer. The consultant has also stated that there are no watercourses in the vicinity that could be discharged to.

Until the applicant identifies a suitable means of dealing with surface water from the site (one that complies with current standards and expectations – Building Regs. may help on this) then I imagine it will be difficult for the development to take place.

It may be worth clarifying STWs position as the developer has shown there is surface water from the current building discharging to the foul sewer and STW may have comments on that.”

Trent Valley Internal Drainage Board – Comment as follows:

“The site is outside of the Board’s district but within the extended catchment area.

There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

Environment Agency – Low Risk and don’t comment on this type of application.

Historic England –“The proposed development is improved in respect of earlier schemes on the same site and we therefore do not wish to comment in detail saving the following concerns in regard to the archaeological context of the site and the brick walling to the Fosse Way.

We do not find in the submitted Heritage Statement sufficient reference to the archaeological context of the site lying as it does adjacent to the Scheduled remains of Medieval settlement and remains of open fields immediately west of East Stoke village and also adjacent to East Stoke Registered Battlefield. We therefore refer you the advice of the County Archaeologist in respect of appropriate measures and conditions to any consent you may be minded to issue, such that the risk of surviving archaeological and human remains associated in particular with the battle of 1487 is properly managed. There is potential for burial pits to survive and relating to the battle and this should be regarded as a known risk with appropriate archaeological measures set in place.

Any stockpiled materials deriving from previous dismantling of historic brick walling to the Fosse Way presently stored within the development area should be secured. We would urge your authority to seek (through the planning process) that structural issues in the important roadside walling are addressed and fabric reinstated (with due regard to archaeological impacts as discussed above).

Recommendation

We recommend this application is determined with the benefit of our advice and concerns, the expertise of your built heritage and archaeological advisors and in line with statute and local and national planning policy and guidance.

It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places”

Battlefields Trust – Support

NSDC Conservation – Comments as follows:

Introduction

The submitted scheme seeks consent to erect new structures and convert existing redundant agricultural barns at Hall Farm to form 5 dwellings. We have provided advice previously on redevelopment at Hall Farm (notably 16/01529/FULM), and also during follow-up pre-application discussions (PREAPP/00034/16). The submitted scheme accords with that pre-application discussion.

The historic environment in and around Hall Farm is complex:

- Hall Farm House is Grade II listed (designated 13 March 1986; list entry ref: 1370151);

- Hall Farm House and associated brick barns fall within East Stoke Conservation Area (CA). The CA was designated in 1992;
- The land to the south of Hall Farm is a Registered Battlefield. The Battle of Stoke Field is a 15th century battlefield associated with the Wars of the Roses (the Battlefield was Registered on the 6 June 1995; list entry ref: 1000036);
- The land to the west of the proposal site is a Scheduled Ancient Monument (SAM), comprising a former medieval settlement and field system (the SAM was first designated 4 June 1957, amended 16 November 1998; ref: 1018129). The SAM extends to the south of Hall Farm (also within the Registered Battlefield);
- Holme Farm House to east of proposal site is Grade II listed (designated 16 January 1967, amended 13 March 1986; list entry no 1045577);
- There is a group of listed buildings to the northwest of the proposal site, including Stoke Hall (Grade II) and the Church of St Oswald (Grade II*);
- The Park to the north and west of Hall Farm is the former parkland to Stoke Hall. The site is unregistered, but is considered to be a non-designated heritage asset and a positive feature of the CA.

The main issues from a historic environment perspective are:

- Whether the proposals preserve the listed buildings comprising Hall Farm House, including their setting and any architectural features that they possess;
- Impact on the character and appearance of East Stoke CA;
- Impact on the setting and significance of the Stoke Field Registered Battlefield;
- Impact on the setting and significance of the medieval settlement and open field SAM to the west of the village;
- Whether the proposal preserves the setting of Holme Farm House, Stoke Hall and the Church of St Oswald; and
- Impact on the significance of The Park, a non-designated heritage asset.

Legal and policy considerations

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of

designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (HEGPAP; notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

Paragraph 46 of the 2010 DCMS guidance on Scheduled Monuments states: "In terms of impact of development on the setting of a scheduled monument, securing the preservation of the monument 'within an appropriate setting' as required by national policy is solely a matter for the planning system. Whether any particular development within the setting of a scheduled monument will have an adverse impact on its significance is a matter of professional judgement. It will depend upon such variables as the nature, extent and design of the development proposed, the characteristics of the monument in question, its relationship to other monuments in the vicinity, its current landscape setting and its contribution to our understanding and appreciation of the monument."

Significance of heritage assets affected

The East Stoke CA comprises a number of different elements which contribute to its significance:

- Stoke Hall (including historic service/ancillary components), the Church of St Oswald and The Park form an important group to the west of the Fosse Way;

- East Stoke Battlefield, which consists of rolling agricultural land to the south of Church Lane;
- Archaeological interest derived from the remains of the former village which survive as earthworks on both sides of Church Lane (these are surrounded by ridge-and-furrow). Interrelated with The Park;
- 18th and 19th century buildings along the Fosse Way and School Lane.

East Stoke is first mentioned in the Domesday Book of 1086 where it is recorded that 'Stoches' belonged to Ilbert de Laci and Berenger de Toden and was worth a total of 25 shillings. 'East' was added to the name by 1340. East Stoke is perhaps best known as being the site of the last pitched battle of the Wars of the Roses the victory of which finally established King Henry VII and the Tudor dynasty. On 16 June 1487, King Henry VII offered battle to Yorkist rebels at East Stoke. Stoke, not Bosworth, was the last pitched battle of the Wars of the Roses, and therein lies its significance. Victory strengthened the grip of the Tudor dynasty on the crown. The battlefield area boundary defines the outer reasonable limit of the battle, taking into account the positions of the combatants at the outset of fighting and the focal area of the battle itself. From the River Trent in the west the south-western edge of the battlefield area follows the former line of Longhedge Lane to the A46(T). The Battlefield encompasses the Earl of Oxford's deployment (King Henry VII's forces) off the Fosse Way a safe distance from the rebels on the hill to the north. Oxford's men also approached the rebels along the edge of the Trent Hills to the north (i.e. across the length of Syerston Airfield), but that the vanguard approached along the Fosse Way. The south-eastern boundary to the battlefield follows the line of the Fosse Way into the centre of modern East Stoke (the spring at Willow Rundle, by Elston Lane, where legend has it the Earl of Lincoln was buried, is excluded from the battlefield area). Proceeding north-west from East Stoke along Church Lane, the battlefield area boundary incorporates part of Stoke Hall Park where, in 1825, Sir Robert Bromley, the then occupant, informed Richard Brooke that mass graves had been recently discovered. Thereafter the line of the battlefield area follows the footpath along the foot of the steep slope to re-join the river. This means that the Red Gutter, focal point of the rout of the rebels, is included in the battlefield area but the extended line of retreat towards Fiskerton Ford, where Lord Lovell, amongst others, is reputed to have either drowned or escaped, is not.

During the widening of the modern A46 a burial pit was discovered in the field to the west of the road and opposite Foss Way Farm. The pit contained the entangled remains of at least 11 articulated inhumation burials which are thought to date to the time of the battle. In the field to the south of Church Lane and north of Humber Lane the ground slopes gradually to the north east. In this area the earthworks can be divided into four distinct areas. The northernmost section, which is marked to the south by a large dry pond, contains a series of four terraces, approximately 10m wide, which are cut into the natural slope of the land. A sunken trackway, approximately 17m wide, runs at right angles to the terraces before turning north west and terminating at the northern field boundary. Other earthworks in this area include a narrow drainage gully which runs from the top of the field to the pond. The earthworks in this section of the field appear to relate to a post-medieval landscaped garden belonging to East Stoke Hall but the relationship between

some of the earthworks and those further to the south east suggests that earlier features were incorporated into the design.

The 1796 Enclosure map for East Stoke gives an indication of how the landscape had looked at the time of the battle. The village of East Stoke extended along Church Lane towards St. Oswald's church, which had been built in the 13th and 14th centuries. The remains of the former village survive as earthworks on both sides of the lane, where they are surrounded by the ridge-and-furrow topography of the open fields. Close by stood an almshouse, the Hospital of St. Leonard, which was founded in the early 12th century and not dissolved until 1573. The land extending from the top of the escarpment to the Fosse Way was largely unenclosed, forming arable open fields for the villages of East Stoke, Elston and Syerston. The escarpment and the gulley known as 'Red Gutter' were not wooded but were more open with scrub woodland.

The scheduled monument includes the earthwork and buried remains of the abandoned areas of East Stoke medieval settlement, the standing remains of a post-medieval ice house and part of the battlefield of East Stoke. The monument is in three areas of protection all of which lie to the west of the former A46 trunk road and to the north and south of Church Lane. The earthworks are located south west of a large meander of the River Trent, between the church and the existing village which is now centered on the former A46. The scheduled area extends to the south of Hall Farm (also within the Registered Battlefield). Stoke Hall was built close to the church in the late 18th century and with it an area of parkland was created. The creation of the park, which survives to the north of Church Lane, may have contributed to the desertion of the western parts of the village (the village of East Stoke had shrunk eastwards as far as Humber Lane by 1887). The eastern boundary of the monument is defined by the Fosse Way, an important Roman road which ran diagonally across the country from Topsham in Devon to Lincoln. The monument survives as a series of earthworks and buried remains which straddle both Church Lane, a sunken road which is still in use, and Humber Lane, a remnant of a prehistoric route known as the Upper Foss.

The primary roads throughout the medieval and early post-medieval period would have been the Fosse Way and, connecting it with the River Trent, Longhedge Lane, Trent Lane and Church Lane. The Fosse Way is an important highway. It is the former Roman road that linked Exeter with Lincoln, via Ilchester, Bath, Cirencester and Leicester. East Stoke is associated with Ad Pontem where a Roman garrison was established to the southside of the River Trent, controlling a bridging point. The name Ad Pontem means "[the place] near the bridges", which probably alludes to a crossing over the Trent near Fiskerton at the western end of an ancient trackway which intersected the Fosse Way just to the north-east of the settlement. This trackway arrived from the direction of the villa at Denton in south-south-east, and crossed the Trent evidently by means of some sort of ancient bridge, possibly erected a considerable time before the Romans arrived in the area. The trackway then continued northwards on the opposite side of the River Trent, towards the territory of the Brigantes tribe and their capital at Isurium Brigantum (Aldborough, Yorkshire). The 11-mile section between Newark and Bingham, which linked the important crossings of the Trent at Newark and Trent Bridge (Nottingham), was made a turnpike road by Act of Parliament in 1772. By 1796 there is no evidence as to whether or not the Upper Foss was still in use. The enclosure map of 1796 otherwise reveals that the village extended north from the junction of

Church Lane and Fosse Way and east along Moor Lane, much of which remains in occupation today. Enclosure of the landscape increased in intensity from the late 18th century. The landscape had assumed much of its modern appearance by 1850.

Holme Farmhouse opposite Hall Farm is early 19th century in red brick, with some stone ashlar and a slate roof. 2 red brick gable stacks. Raised ashlar coped gables. Dogtooth eaves. 2 storeys, 3 bays. Central doorway with 6 fielded panelled door and traceried fanlight, flanked by single fluted pilasters with single carved brackets supporting an open pediment. Either side are single glazing bar sashes with 3 similar sashes above, all with flush wedge brick lintels. To the rear is a 2 storey wing.

Stoke Hall is an important country house, largely 1812 by Lewis Wyatt but incorporating an earlier build, part demolished in the 1920s. Red brick, some ashlar and render. Hipped slate roofs. The Hall includes a number of ancillary, associated structures, including a stable wing and a large footbridge over Church Lane which links the private garden elements of the Hall. In the 18th century, Stoke Hall estate was acquired by George Smith, a banker. He married a granddaughter of Prince Rupert, brother to George III and obtained the title of Baronet. His descendant's, the Bromley and Pauncefort family lines, occupied the house until the 20th century. In the 19th century, Lord Pauncefort became the first ambassador to the United States and was known as a significant statesman. There is a monument within the churchyard to Lord Pauncefort (1902). Other notable family members included Admiral Sir Robert Bromley and his eldest son (also Robert) whom became a Member of Parliament for South Nottinghamshire. The adjacent Church of St Oswald (Grade II*) is set within the trees of The Park. Although small in scale, the church is an important 13th century building that was largely rebuilt in 1738 by Colvin.

Hall Farm House is early 18th century with mid-18th and late-19th century phases. The house is 2 storeys with attic accommodation, being 3 bays and constructed in red brick. Modern pantile roof has 2 red brick gable stacks (the left stack is external). Architectural detailing includes wooden eaves cornice and string course. Frontage includes timber sashes with wedge rendered lintels. The attic has a single central dormer with single Yorkshire sash. To the rear is a 2 storey late-18th century service wing (again, with attic), 2 bays with bright red brick gable stack and dentil detail at eaves. Ground floor includes an 18th century 6 fielded panel door with decorative fanlight. The associated historic barns are predominantly 19th century and follow model farm characteristics in terms of layout and design. These barns contribute positively to the character and appearance of the CA. The modern portal buildings, however, are not significant.

The remaining historic barns at Hall Farm form part of what was an E-plan (see map extracts attached). These barns have half hipped roofs, and are constructed in traditional red brick with pantile roofs. There is a 19th century stable block to School Lane, and to the north, a L shaped milking parlor and beyond a distinctive threshing barn. In addition, there is a historic wall forming an enclosure to the crew yard which is the remnants of a barn which ran north-south from the stable block. Although these barns clearly form part of the historic farmstead at Hall Farm, they have not been deemed to be curtilage listed within the meaning of section 1(5) of the Act. This is primarily due to the perceived separation of the barns from the farmhouse and the well-defined

domestic curtilage of the farmhouse being distinct from the barns. Nevertheless, the external appearance of the historic barns contributes significantly to the setting of the farmhouse, in addition to their positive contribution to the CA.

Assessment of proposal

The proposal comprises two barn conversions and three new dwellings along Fosse Way. The conversion scheme is well-considered and will deliver enhancements, notably to the roof of the threshing barn and in the long-term re-use of the redundant historic buildings.

The new build shall be aligned along Fosse Way, with a pair of agricultural labourer style cottages in brick with clay pantile roofs, casement windows and modest proportions and details. A mock barn completes the group. The primacy of the existing threshing barn and the farmhouse is retained, with a positive yard area within the middle helps preserve the farmstead character of the site. The new garages and the landscaping strategy also helps maintain the farmstead character of the site.

The scale and form of the new dwellings relates positively to the street. When seen in aspect along Fosse Way, the new dwellings will reflect the rural vernacular traditions of the CA.

Conservation has no objection to the proposed development. The proposed layout and design of the new development and the conversion scheme is considered to preserve the character and appearance of the CA, as well as preserve the setting of Hall Farmhouse and other listed buildings. The proposal also causes no harm to the setting of the Park, an unregistered park and garden, and otherwise preserves the setting of the Scheduled Monument and Registered Battlefield. Nevertheless, due to the potential for archaeological interest within the proposal site, appropriate investigation and mitigation will need to be considered.

If approved, the following matters should be addressed via suitably worded conditions:

- A methodology for the repair and renovation of the existing barns shall be submitted to and agreed in writing before development commences. This shall include all structural works, repairs to masonry and roofs. Works to be carried out in accordance with the agreed details.
- All facing materials to be submitted (samples of bricks, tiles and timber cladding to be submitted);
- Brick panel for the new dwellings to be erected on site showing bricks, bonding, mortar specification and pointing finish;
- Notwithstanding the submitted details, all new external windows and doors (including garage doors) shall be timber (to be retained). Further details of their design, specification, method of opening and finish shall be submitted to and agreed in writing before development commences;
- Notwithstanding the submitted details, new roof tiles shall be natural clay pantiles of a non-interlocking variety, a sample of which shall be submitted to and agreed in writing. Further details shall be provided on the treatment of the ridge and hips;

- In conjunction with the above condition, no vents or dentil fillers shall be installed on the roof unless otherwise agreed in writing;
- Further details of all external accretions (vents, flues, meter boxes etc.);
- Further details of all verges, eaves, headers and sills;
- Further details of the porches on buildings 4 and 5 to be agreed;
- Specification for the roof lights to be agreed (to be conservation variety, flush with the roof tiles when closed);
- Further details of new chimneys, details to be agreed and chimneys to be retained;
- Further details of boundary treatments and entrance details to be agreed, and all works to existing boundary brick walls to be agreed;
- Remove PD rights as appropriate, notably for window and door alterations, solar panels, other roof alterations and domestic clutter;
- Level 1 Historic Building Record to be undertaken and submitted before development commences;
- A scheme for archaeological investigation, mitigation and recording to be agreed before development commences. Works in accordance with submitted scheme.

Informatives:

- In accordance with approved plans and potential enforcement action;
- Building Regulations and changes to approved plans;
- Windows and doors to be set in reveals by 50mm;
- New cottage type windows to be side hung, flush fitting casements;
- Windows shall not be storm proofed, and shall avoid visible trickle vents or external beading.

Nottinghamshire Wildlife Trust – Have chosen not to comment on this application.

Severn Trent Water – In response to an email (14th December 2016) requesting comments by the case officer they state: “Severn Trent would expect that in relation to this application, current guide lines regarding the disposal of surface water will be followed, such that no surface water will be permitted to drain to a foul or combined sewer network, but instead be disposed of elsewhere, in a sustainable manner. If this cannot be achieved you should consider refusing this application. Severn Trent cannot comment on the adequacy of local land drainage or the suitability of soakaways.”

10/02/17 - I confirm that Severn Trent Water Ltd has **NO Objection** to the proposal subject to the inclusion of the following condition.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Should you require any further information please contact us on the telephone number or email below.

NSDC Environmental Health – Comment as follows:

“This application is for a residential development on a farmyard. A phase 1 contamination assessment report was submitted by Peak Associates in support of the previous planning application at this site (14/01529/FULM).

This document described the history of the site as a farm, included a preliminary risk assessment for potential contamination and discussed the impacts on the previous planning proposals. It provided a detailed summary of potential hazards arising from these past uses/activities and indicated the probable contaminants of concern.

The report went on to recommend that targeted intrusive sampling should be carried out to further investigate the potential contamination.

Given that the proposals for this new application are on a portion of the same site and includes residential dwellings, I would request that our standard phased contamination conditions are attached to the planning consent.”

NCC Archaeologist – “I have read Heritage Statement, which concentrates on the impacts of the proposed development on the built environment and the Conservation Area. The site however, also has the benefit of a geophysical survey, which the applicants would be well advised to submit to you in support of their application. This survey demonstrated that the site has been considerably impacted upon by previous phases of building, particularly in the area of the two small cottages, now demolished, which fronted onto the Fosse Way. The main purpose of the survey was to attempt to locate pits which might contain human remains, the dead of the 1487 Battle. No such pit was clearly identified, although remains of walls and other structures were visible and in other places the survey results were affected by ferrous and other materials. Unfortunately, the lack of clear pits does not rule out the possibility, or likelihood that the proposed development will uncover human remains. This can be demonstrated with reference to the recent development at the Pauncefoot Arms, directly over the Fosse from this site, where human remains were uncovered in the excavations for new footings. These had been disturbed in antiquity, but were probably battle casualties. The site has the potential to contain areas which are relatively undisturbed, and which may have traces of Medieval settlement activity, as well as traces of later buildings the foundations of which may have encountered single individuals or charnel pits. The site therefore has high archaeological potential. Accordingly, I recommend that if planning permission is granted this should be conditional upon the implementation of a programme of archaeological mitigation. I would envisage this would entail all groundworks being undertaken under professional archaeological supervision, with provision for development work to cease temporarily in areas where archaeological features or human remains are uncovered, in

order to allow them to be recorded and dealt with appropriately. A condition such as the following may be appropriate;

"No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the LPA."

"Thereafter, the scheme shall be implemented in full accordance with the approved details."

The work should be undertaken by appropriately qualified and experienced professional archaeologists, preferably ClfA registered.

One representation has been received from local resident/interested party which generally supports the application but making the following summarised comments:

- The proposed appearance of the development is in keeping with the area.
- East Stoke has suffered on more than one occasion in the last 10 years from serious surface water flooding. The situation is exacerbated by the ingress of surface water into the main sewerage system. This is most likely due to the fact that some properties on the main street (old A46) having combined drains. We have experienced the main drain cover lifting on our property with the resulting presence of raw sewage.
- The development must only be permitted after a comprehensive drainage survey of East Stoke has been undertaken to ensure that it can cope with the additional loading. Attention should also be paid to the sub surface ground conditions on the site providing adequate soakaways (size & ground structure).

Comments of the Business Manager

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The NPPF sets out a core planning principle that in decision-taking, Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.

The site is located within the main part of the village of East Stoke which is defined as an 'other village' in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) Rural Areas which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages.

The penultimate paragraph of SP3 states that consideration will be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues. The site consists of an operational farmyard with farm buildings, which could currently give rise to some amenity issues in terms of noise and disturbance to local residents, although this has not been documented. I attach significant weight to the retention of the traditional red brick buildings as they make a positive contribution to the Conservation Area in my view. Given this I consider the principle of conversion of the two storey threshing barn and single storey barn (with extension) adjacent to School Lane to be appropriate. Another single storey barn is proposed to be retained for associated residential uses, however, there is one traditional barn that is proposed to be demolished. It is noted, however that the existing modern farm buildings to the rear (north) of the site are proposed to be retained and served by a new access from Fosse Road. Potentially therefore not all environmental residential amenity issues in terms of noise and disturbance would be removed from the site.

In relation to the new build dwellings fronting Fosse Road, I accept that this land may historically have been used in connection with the original farming operation but do not consider that the penultimate paragraph of SP3 can be applied to the new dwellings. This part of the site contains no built development apart from brick boundary walls enclosing a grassed area which does not give rise to any amenity issues. As such, these dwellings need to be assessed against the remainder of Policy SP3 which states that new development will be considered against five criteria comprising Location, Scale, Need, Impact and Character. I assess these below before taking into consideration the impact of the 5 year housing land supply position.

Location

SP3 states that development beyond principle villages should be within the main built up areas of villages which have local services and access to Newark Urban Area, Service Centres or Principle Villages.

The site is located within the main built-up area of the village. East Stoke contains little in the way of local services other than a church and a Women's Institute. Elston is less than 2km away which has a primary school, two churches, a pub, a shop and village hall and there are bus routes to Farndon, Newark (4 miles away), Nottingham (12 miles away), Grantham, Bingham (some via Flintham and East Bridgford) many of which are regular (every hour) which provide access to services further afield, with the bus stop being located c100m from the site. As such whilst the settlement of East Stoke cannot be said to be sustainable for day to day living given its lack of facilities I am mindful that given the public transport provisions and its distance from other settlements with facilities that the proposals are difficult to resist on the location criterion.

Scale

SP3 states that new development should be appropriate to the proposed location and small scale in nature. The scale criteria of SP3 only applies to the new build element of this proposal given that the conversion of the barns is acceptable in any event. East Stoke had 65 dwellings at the time of the 2011 Census and the proposal of 3 new build dwellings therefore represents a 4.61% increase (7.69% if one takes into account the conversions as well) in the overall housing stock in East Stoke, which is considered to be small in scale and proportionate.

Impact

SP3 states that new development should not generate excessive car-borne traffic from out of the area and new development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. Impacts such as flood risk, highway impacts etc. are discussed separately later in this report.

Character

SP3 states that new development should not have a detrimental impact on the character of the location or its landscape setting. Character matters are rehearsed later in this report.

Need

SP3 states that new housing must meet an identified proven local 'need' with the accompanying guidance note stating that the need should relate to the needs of the community rather than the applicant. The DCA Housing Needs Survey 2014 suggests there is a need in the Newark & Rural South Sub Area where East Stoke falls, for a range of type of property being 3 bedroom dwellings (40.2%) 2 bedroom dwellings (22.7%) 4 bedroom dwellings (14.4%) and 5 bedroom dwellings (8%). Whilst this is not specific to the settlement of East Stoke it gives an indication of likely need and this is relatively reflective of the proposal being 2 x 2 beds, 1 x 3 bed, 1 x 4 bed and 1 x 5 bed. In any event the housing need criteria of SP3 is currently being relaxed if a scheme is appropriate in other respects given the 5 year housing supply position which is set out in full below.

5 Year Housing Land Supply

~~The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) now requires housing requirements now to be derived to meet the full objectively assessed need (OAN).~~

~~It is a matter of fact that the CS adopted housing target is out of date and thus, so too, are targets contained within relevant policies. It is equally a matter of fact that LPA's are now required to derive housing targets having regard to its Objectively Assessed Need (OAN). It is the OAN which is of assistance in understanding the target against which housing delivery – in the form of a 5 year housing land supply (5YHLS) is judged.~~

~~In order to address its housing requirement the Council, as it is required to do under the NPPF (in both identifying an OAN and under the Duty to Cooperate) has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date).~~

~~The OAN has not yet been tested through a Local Plan Examination in Public. At an appeal in Farnsfield in January 2016, one Inspector disagreed with the annual requirement figure derived from the OAN, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available, a reasonable assessment of the Full Objectively Assessed Need for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council, as Local Planning Authority, does not agree with the Inspectors reasoning in this matter and assumptions made by this appeal Inspector have now been addressed via supporting information submitted for Plan Review. Whilst the January 2016 appeal decision is thus a material consideration which must be weighed in the balanced Officers, the Council's consultants, and all 3 no. Councils who have combined to produce the OAN are satisfied that the evidence now available is robust and up to date. This takes a contrary view to the appeal inspector in 2016 and thus, in officer's submission, the appeal decision now carries limited weight.~~

~~Turning to delivery officers remain confident that there is a deliverable supply over the next 5 years against its OAN. Indeed, as part of the Council's ongoing Plan Review and expected submission for examination a 5 year supply position will be provided.~~

~~The Council's position is that full weight cannot be attached to the identified OAN until such time as a housing figure is endorsed by an independent Plan Inspector. That said, it is clear that the OAN is the only credible, robust, and up to date position available and the Council is satisfied that it can demonstrate a 5YHLS against this position. On this basis the Council attaches weight to its current Development Plan policies concluding that paragraph 14 of the NPPF is not engaged. For applications such as this which is for a modest number of dwellings it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN).~~

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "boost significantly the supply of housing". Paragraph 17 states further that the planning system should 'proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.' NPPF indicates that this will be achieved first and foremost, by local planning authorities, 'using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.'

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). By their very nature, these have taken longer to be brought to market. Land South of Newark now has 2 no. national housebuilders involved, the first of which is expected to receive reserved matters consent to allow a start in March 2017. Consent will shortly be issued to a national housebuilder for the Fernwood SUE for 1800 houses (S106 awaiting execution). NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf>).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see <https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>). The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be an Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspectors decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation where schemes are particularly finely balanced). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

Impact on the Character of the Area including the Character and Appearance of the Conservation Area and setting of Heritage Assets and Design

The Policy context in terms of Heritage is set out in full within the Conservation Officers comments in the Consultation Section above, which I shall not repeat. In addition to this DM5 seeks to ensure good design with the rich local distinctiveness of the District's landscape and character of built form reflected in the scale, form, mass, layout, design, materials and detailing. CP9 also seeks to achieve a high standard of sustainable design which reflects one of the core principles of the NPPF.

The proposal seeks to remove the modern portal steel framed agricultural building that currently sits in close proximity to the stable building adjacent to School Lane. This is welcomed and will better reveal the traditional farmyard and its more historic buildings. The retention of the traditional buildings on the site which are of historic and architectural interest both individually but more importantly as a group, is welcomed. No evidence has been submitted to show that the barns are capable of conversion such as in the form of a structural survey. However Officers are satisfied that the buildings for retention appear structurally sound and there is no obvious defects or reasons to suspect they cannot be converted.

In terms of the new build element, it is acknowledged that historically there has been built form on the land directly adjacent to Fosse Way. Additional built form along this frontage would contribute to a stronger sense of enclosure and therefore is acceptable in principle. The design of the new build is considered to be appropriate for its context.

The erecting of new single storey elements in lightweight materials to provide associated garaging is supported and it is acknowledged that it seeks to re-create an enclosed courtyard which reflects the former farmyard enclosed spaces.

Colleagues in Conservation raise no objections and consider the scheme is "well-considered and will deliver enhancements, notably to the roof of the threshing barn and in the long-term re-use of

the redundant historic buildings.” They also note the new dwellings would reflect the rural vernacular traditions of the Conservation Area would therefore preserve the character and appearance of the Conservation Area and would not harm the setting of any other heritage asset.

The County Archaeologist has made comments on the site noting the sites high archaeological potential and recommending the imposition of a scheme of mitigation be imposed should development be granted. I concur that this would be necessary in this instance. I am satisfied that conditions could be imposed to safeguard the sites archaeological interest.

Housing Mix, Type and Density

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances. It also states that the LPA will seek to secure new housing which adequately addressed the local housing need of the district, including the elderly and disabled population. Mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information.

The site comprises c 04.7ha of land and seeks permission for 5 dwellings representing a density of c 10.63dph gross. Whilst this is lower than average, this figure is a gross figure rather than net and in any event I consider that this is entirely appropriate given the site comprises of a rural farmyard in a rural setting where higher densities would be inappropriate for a range of other reasons. In addition, as set out in the local housing need section above, I consider that the proposal does offer an appropriate mix of market 2, 4 and 5 bedroom dwellings as well as a 3 bedroom property with all ground floor accommodation thus contributing to the range of mix set out in both CP3 and the district wide housing needs survey as previously mentioned.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to secure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The existing access would serve the new dwellings plus a limited number of existing dwellings and the highways authority raise no concerns regarding this. Indeed there may well be an improvement for existing users (the dwellings to the west) in convenience terms as they would no longer share this with agricultural vehicles.

Upon request the applicants have now provided a plan showing the parking provision for each unit and each dwelling has at least two off-street parking spaces. The Highways Authority are satisfied that this is an appropriate level of parking and I concur with this view.

The scheme also relies on the provision of a new access to serve existing agricultural buildings to be retained to the north. The Highways Authority have now confirmed there is no highway safety issue following clarification from the applicant regarding its intended levels of use but in any event the new access would need to be in place prior to first occupation of any of the new dwellings to avoid potential conflicts between land uses. Furthermore the required visibility splays to the new access will also need to be secured and thus the highway suggested conditions are considered to be reasonable and necessary.

Overall from a highways aspect I consider that the scheme accords with SP7 and DM5.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including over bearing impacts and loss of privacy upon neighbouring development.

Hall Farmhouse is situated approximately 20m from the nearest proposed conversion, being plot 1 which is single storey and would have only one retained window (serving a living room) facing the existing farmhouse. There are also existing houses on the opposite side of Fosse Road which would be located between c17m and 24m from the proposed new dwellings, where they would face one another. I consider these separation distances in this context are acceptable and would not give rise to any unacceptable impacts in terms of loss of privacy, overshadowing or overlooking due to the distances involved and the intervening road. I also consider that sufficient private amenity space would be provided for each of the proposed dwellings. I am therefore satisfied that the proposals would accord with the NPPF and DM5 in this regard.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity, reflected also in Policy DM7 of the Allocations and Development Management DOD. Policy DM5 of the ADMDPD also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

An Ecological re-appraisal (dated September 2016) has been submitted in support of the application. This updates a previous ecological survey undertaken by a different consultant in 2012/2013.

The sites habitats comprise small areas of mown amenity grassland, semi-improved grassland, ruderals and hardstanding. Both the update and original survey conclude that there is little ecological value in these areas with the proposal having the ability to improve the situation (through new habitat and planting).

In relation to protected species, the original survey concluded that barns and trees on-site provide suitable habitat for bats and nesting birds, recommending protective measures and habitat enhancement work. The original survey suggested that the site contained a small summer roost (for common pipistrelle bats) present in buildings E and H (now plots 1 & 2) and that a Natural England European Protected Species Licence would be required and recommended Istock bat bricks as compensation. The updated survey however concludes there is no sign of bats in building H but concludes the development would result in the destruction of two minor and transient roost sites. It concurs that a EPS Licence would be required (which is a separate process from planning) and that a bat mitigation strategy will be required which can be subject to a condition. I agree that this would be an appropriate way of securing the required mitigation.

Other impacts on protected species were scoped out of the surveys and I am satisfied that the impact on ecology has been properly considered. In addition to the bat mitigation strategy I consider that a condition to secure ecological enhancements to the site would also be required in

order to meet the requirements of CP12 and DM5 along with securing the landscaping scheme submitted which includes new trees throughout the site.

An existing walnut tree to the south-eastern corner of the site would be retained. No arboricultural survey has been submitted with this application however the tree appears to be mature and in reasonable health. It's size and position makes a positive contribution to the conservation area and its retention is welcomed, along with additional landscaping. Subject to conditions the proposal is considered to satisfy the identified policies of the Development Plan.

Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at lowest probability of flooding from river and coastal sources. This site therefore passes the Sequential Test. However the site lies within a (washed over) area that is identified on the EA flood maps as being prone to surface water flooding. This has also been borne out through the consultation process in that the Parish Council have raised this as their only concern, as has one local resident.

The applicant was advised to address this matter in their submission and in this regard has submitted a Flood Risk Assessment which was updated throughout the lifetime of this application.

The report concludes that there is a negligible risk of ground water flooding and no further investigation is required. Given the comments of the TVIDB I concur that groundwater flooding is unlikely.

With regard to Surface Water flooding (pluvial flooding which results from rainfall running over ground before entering a watercourse or sewer and is usually associated with high intensity rainfall events) the FRA does not identify the site as being within the parts of the village which are known to be more susceptible to surface water flooding and concludes that the site itself being slightly elevated is above potential surface water floor risk. Indeed the LLFRA have raised no objections to the scheme on this ground nor suggest any conditions are necessary.

The submitted FRA looks to deal with how surface water from the development would be discharged. The updated FRA confirms that infiltration is not possible and neither is the discharge of surface water to a local watercourse as there isn't one available in the vicinity. It suggests that surface water drainage would, be discharged to the public sewer or a highway drain to the south of School Lane. The updated FRA indicates that there would be a reduction of impermeable surfaces on the site from 53% to 50% coverage and other SUDs measures such as porous paving could be included to help slow rainwater from discharging. The proposal would therefore be to discharge surface water to the sewer or the highway drain at an attenuated rate.

The representations received through the consultation process have been noted. It appears that there have been issues previously in the village with surface water flooding due to rainwater entering into the sewer. Indeed the SFA notes that the local area suffered from sewer flooding in

2007. It is not the role of this application to fix existing problems but clearly it is paramount that the development does not make matters worse.

Whilst the proposals for the discharge of surface water are noted, Severn Trent Water's starting position was that no surface water would be permitted to drain to a foul or combined sewer network but have conceded that because there is some existing roof drainage directly in to the sewer from the existing buildings that some modest drainage to it can be allowed. Since the updated FRA has been submitted, STW have confirmed they have no objection to the scheme and taking on board their latest comments, there now appears to be a viable option for the discharge of surface water such that I am able to impose a condition to ensure that this is properly dealt with. Subject to this condition I am satisfied that the proposal would accord with the relevant planning policies in respect of flood risk.

Developer Contributions

Core Policy 1 relates to affordable housing and states provision is required where the number of dwellings exceeds 5 units of the site area exceeds 0.2 hectares. However, the Department for Communities and Local Government (DCLG) have referenced a Written Ministerial Statement as policy and updated the Planning Practice Guidance in relation to raising the threshold for affordable housing provision to 10 or more and on sites larger than 0.5 hectares. This therefore supersedes Core Policy 1. As the site area is 0.46 hectares and the number of dwellings is below 10, affordable housing provision is not required.

Planning Balance and Conclusion

The settlement of East Stoke is not considered to be a highly sustainable location for new housing and it has, in itself, limited facilities. The settlement does have public transport access to larger settlements and services and thus the location is considered acceptable for the number of new dwellings proposed. The environmental enhancement involving the bringing back into use of former farm buildings is positive given that they contribute positively to the character and appearance of the Conservation Area.

The small number of new build dwellings is considered to be an appropriate scale for the size of the settlement. The application fails to demonstrate a settlement specific housing need albeit the proposal does reflect the need identified in the wider (district wide) survey which includes East Stoke and other more sustainable settlements.

During the course of this application the issue of flood risk from surface water has been investigated in detail and I am now satisfied that there is a potential drainage solution for surface water run off which can be controlled by condition that would not increase flood risk elsewhere. There is no highway safety or parking concerns. I am satisfied that subject to conditions the proposal would cause no other harm that would warrant refusal of this application. I also acknowledge that this scheme will have a positive, albeit modest, effect on the Council's 5 year land supply which weighs in favour of this scheme.

Taking all of these considerations into account it is considered that the proposal, on balance, is acceptable and I recommend approval.

RECOMMENDATION

That full planning permission is approved subject to the following conditions and any other reasonable conditions as recommended by the Highways Authority:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

03

No development shall take place until such time as a Bat Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall build upon the bat surveys which accompanied the application (Ecological Re-appraisal by ESL (Ecological Services) Limited, September 2016). The approved Bat Mitigation Strategy shall be implemented in full prior to any development, (including demolition) taking place on site and any mitigation measures shall be retained on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to afford appropriate protection to bats that may occupy the existing buildings on site in line with Policies DM7, CP12 and the NPPF.

04

No development shall commence until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the scheme for enhancement to an agreed timescale and shall thereafter be retained for the lifetime of the development.

Reason: In order to comply with the Development Plan and the NPPF.

05

No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that any features of archaeological interest are protected or recorded.

06

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

07

No development shall be commenced until a methodology for undertaking repair works and renovation works to the existing barns has been submitted to and approved in writing by the local planning authority. This shall include a full schedule of works and all structural works, repairs to masonry and roofs. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning application.

Reason: To safeguard the special architectural and historic interest of the building.

08

No development shall be commenced until details of a programme of historic building recording (to level 1) has been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

09

No development shall be commenced until details (including samples upon request) of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks
Timber cladding
Roofing tiles

Reason: In order to preserve or enhance the character and appearance of the conservation area.

010

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

011

Notwithstanding the submitted details, no development shall be commenced in respect of any new external windows and doors and their immediate surrounds including details of glazing bars (including garage doors and roof lights) until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority and the timber windows and doors shall be retained for the lifetime of the development.

Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building.

012

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Verges and eaves

Chimneys

Ridge and hips

Porches in respect of buildings 4 & 5

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building.

013

No development shall be commenced until full details of hard landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

means of enclosure/boundary treatments **and alterations to existing walls;**

hard surfacing materials;

retained historic landscape features and proposals for restoration, where relevant.

The approved hard landscaping shall be implemented on site prior to first occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

014

The approved soft landscaping shown on drawing no. 1625.1.1.A shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

015

Not more than one of the new build dwellings comprising Plots 3, 4 and 5 shall be occupied until such time as Units 1 and 2 have been converted as shown on the approved drawings and are ready for occupation.

Reason: To ensure that the existing agricultural buildings are converted appropriately within a reasonable timeframe in the interests of preserving and enhancing the conservation area.

016

No development shall be commenced until the existing trees shown to be retained have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;

- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crown spread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

017

No part of the development hereby permitted shall be brought into use until the agricultural access onto the Fosse Road has been completed and surfaced in a bound material for a minimum distance of 15m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

018

Pedestrian visibility splays of 2m x 2m shall be provided on each side of the proposed agricultural access, in accordance with the approved plan. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of highway safety.

019

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

020

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

Class C: The painting of the exterior of any building.

Class D: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

Class E: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

Class F: The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.

Or Schedule 2, Part 14 of the Order in respect of:

Class A: The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar for microgeneration within the curtilage of a dwelling house or block of flats.

Class C: The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or block of flats.

Class D: The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a dwellinghouse or a block of flats.

Class E: The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flats.

Class F: The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats.

unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) and to ensure that any proposed further alterations or extensions are sympathetic to the converted buildings and their setting.

021

Notwithstanding those windows and doors permitted by way of this permission and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the East Stoke Conservation Area and the unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the Conservation Area.

022

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, A103 Building 2 Elevations, A110 Building 3 Floor Plans, A103 Building 2 Elevations, A106 Building 4 Elevations, A106 Building 4 Elevations, A118 Garage Elevations, Visuals, Building 03 Plans, Building 3 Elevations, Building 4 Plans, Building 4 Elevations, Building 5 Plans, Building 5 Elevations, Site Plan, 1625.1.1A Landscaping Plan, Site Location Plan, Topographical Survey, Building 01 and Garage Area Ground Floor, Building 01 Elevations and Sections drawings, Building 02 Floor Plans and Garage plans, Building 02 Elevations and Building 02B Elevations and Sections drawings (received October 2016) Parking Plan (received January 2017) unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

Notes to Applicant

01

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Should you require any further information please contact us on the telephone number or email as follows: 024 7771 6843 or net.dev.east@severntrent.co.uk

02

The applicant is advised that in respect of condition 11 (relating to joinery) windows and doors should be set in reveals by 50mm and new cottage type windows to be side hung, flush fitting casements, windows shall not be storm proofed, and shall avoid visible trickle vents or external beading. The specification for the roof lights should be conservation variety, flush with the roof tiles when closed and no vents or dentil fillers shall be installed on the roof. In respect of condition 9 (relating to materials) new roof tiles shall be natural clay pantiles of a non-interlocking variety.

03

In order to carry out the off-site works required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans (0115) 804 0015 for further details.

04

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

05

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

BACKGROUND PAPERS

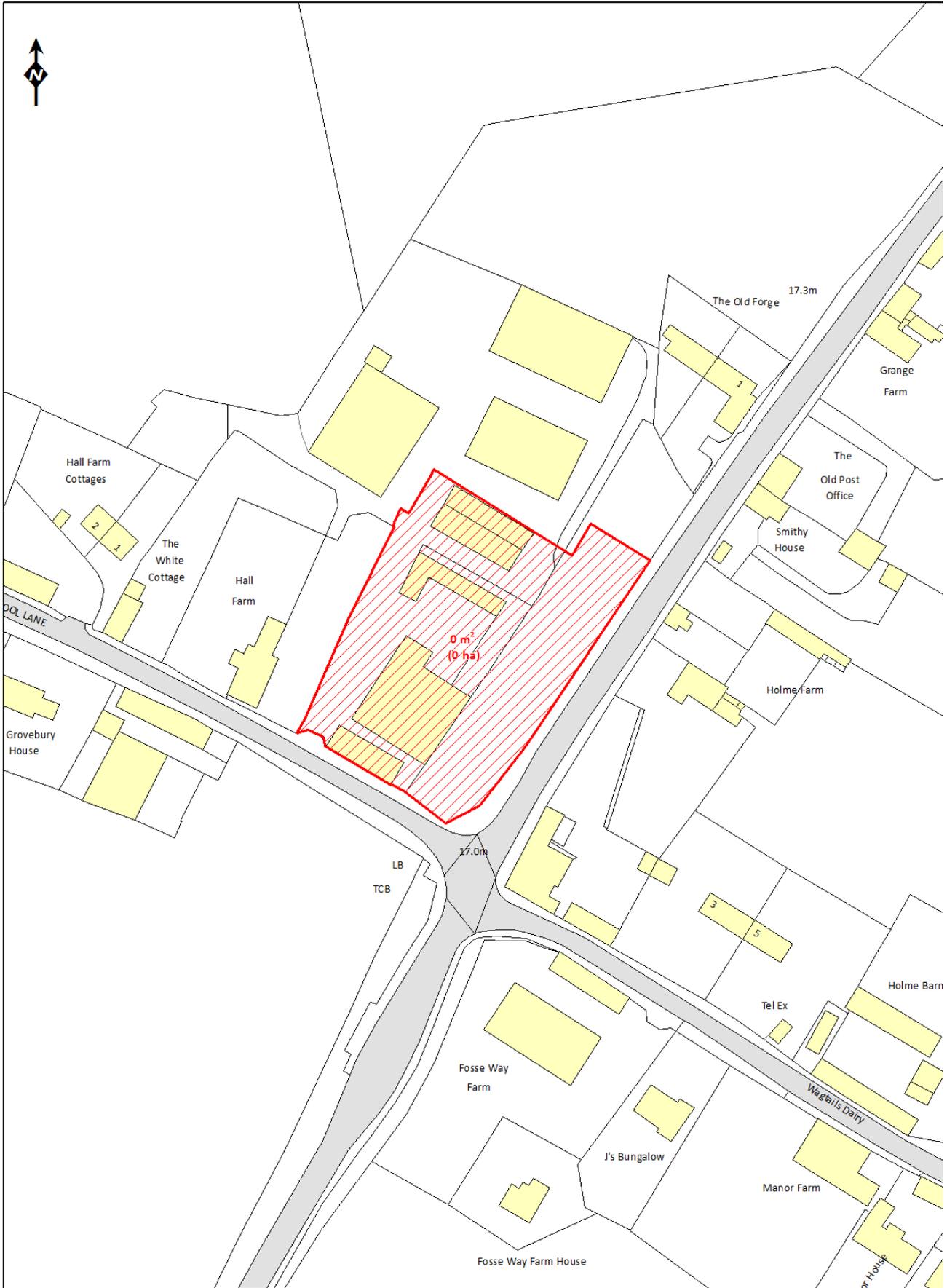
Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01772/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	17/00140/LBC	
Proposal:	Reinstatement of 2 bedrooms on second floor together with associated works, installation of 2 conservation roof lights	
Location:	Hall Farm House, Church Lane, South Scarle, Newark on Trent, NG23 7JP	
Applicant:	Mr David Clarke	
Registered:	26 January 2017	Target Date: 23 March 2017

This application has been referred to Planning Committee as the applicant is a Newark and Sherwood District Councillor.

The Site

The application site is situated within the village of South Scarle, which is a Conservation Area. The building is a Grade II listed, detached, former farmhouse dating back to 1710, with later alterations. The building is set back from the pavement edge within a private garden, which surrounds it on all sides. The site backs onto farmland to the south. The building is two storey plus garret and is constructed out of local blue lias rubble and brick, with a pan-tile roof. The building is L plan and has a mixture of traditional windows. Internally, timber framing is visible along with historic stud partitions and gypsum floors.

Relevant Planning History

PREAPP/00291/16 - Inclusion of 2 en suite shower rooms and 2 velux roof lights

No other relevant history

The Proposal

The proposal seeks listed building consent to erect stud wall divisions within two existing attic rooms to create two bedrooms, each accessed off a newly created corridor, and each with an en suite. Off the larger bedroom an adjoining storage room will additionally be created. The rooms are already accessed off an existing staircase and no alterations to the stairs are proposed. The bathrooms are to have mechanical extraction vents, one to terminate through the adjacent gable wall, the other to terminate in the roof slope by a mushroom vent. The existing door into these attic rooms is to be removed and re-used, with new doors made to match. The larger bedroom is to be light by two proposed new conservation rooflights (measuring 780mm x 1180mm). The existing gypsum floor will be retained and re-used, with the exception of the ensuites where it will be boarded over with a floating floor. An area of historic lath and plaster stud wall will be repaired to a traditional specification.

Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act does not apply to decisions on Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- National Planning Policy Framework (NPPF) Adopted March 2012
- Planning Policy Guidance (PPG) published April 2014
- Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter called 'the Act')
- Historic England's Good Practice Advice Note 2 Managing Significance in Decision Taking in the Historic Environment
- Historic England Advice Note 2 – Making Changes to Heritage Assets

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Paragraph 132 of the NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

Paragraph 9 of the Conservation section within the Planning Practice Guidance (PPG) advises that heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

Consultations

South Scarle Parish Council – Support proposal

Neighbours/Interested Parties – One written representation was received; in principle no objection to the application but are concerned about potential light pollution from the rooflights and have asked that blinds be conditioned and that they be used when the lights are on at night.

Comments of the Business Manager

In assessing this scheme it is considered that the main issue relates to the impact on the special architectural and historic interest of the listed house. Specifically issues of plan form, historic fabric and external appearance are relevant.

While the rooflights will be visible externally they do not require Planning Permission, so Section 72 of the Planning Act relating to planning decisions in Conservation Areas is not relevant, however the rooflights are to be considered under Section 16 of the Act, relating to Listed Building Consent.

Appraisal

The attic space of this house is already fully accessible internally and always seems to have been an occupied space, as seen from the screed floor, remnants of historic plaster and windows lighting the rooms. The existing attic space is divided into three rooms, one of which is already functioning as a bedroom. The proposal is to divide the other two rooms to create usable bedrooms, two bathrooms and a storage area. These rooms do not have any formal qualities or architectural features, like fireplaces, skirting or coving etc. and were quite possibly rooms for servants or farm workers. I do not consider any special proportions or features would be harmed by the proposed division.

What is significant about the attic space is the survival of historic fabric, like the gypsum screed floor, small areas of wall plaster and the remains of an internal stud wall. The historic roof timbers can also be seen, giving character to the area and information on construction techniques. I am satisfied that the proposal will preserve this historic fabric. The Design and Access Statement describes how the roof timbers can be left visible, retaining historic character. In the main, the screed floor remains unaltered. However, it will be covered over in the en suites by a floating floor, which will not harm the screed floor. This is a reasonable balance between allowing for a new use and retaining a sense of the character in the rest of the roof space. The Design and Access Statement proposes a traditional lath and haired plaster repair to the internal stud wall. The final specification can be conditioned but this is a traditional method and will leave the wall in a better state of repair than at present, delivering a benefit from the proposal. The treatment of the walls will be conditioned but in the main the historic wall plaster has been lost over time. The historic door into these attic rooms will be re-used, which can be secured by condition, along with the joinery work of new doors.

It is proposed to use two new rooflights on the rear slope of the house, to light the larger bedroom. These will not be clearly visible in the public realm. Considering the overall size of the roof slope the proposed size of the rooflights is acceptable and they will be seen in the context of a residential development, where roof lights have a relatively long history. The plans detail conservation rooflights, set low in the existing roof slope. This is acceptable and can be secured by condition.

For clarity, issues of potential light pollution are beyond the scope of consideration of a Listed Building Consent application, which can only consider the potential impact on the special architectural and historic interest of the Listed Building.

Consideration has been given at pre-application stage to the ventilation of the two bathrooms. The vent through the gable wall will be relatively discrete and the final appearance can be conditioned. A mushroom vent is felt to be best means, in this context, of venting through the roof. While a vented pantile would give a lower impact result, they do not tend to lap well with historic tiles and can lead to water ingress. A mushroom vent will be more noticeable but gives a better weather seal and can be conditioned to ensure as discrete an appearance as possible.

Services to facilitate these alterations are minimal, due to the location of existing water pipes, soil and vent pipes and electrical circuits.

Conclusion

The proposals comprise relatively minor alterations to bring the whole attic space into modern use, without any harm to historic character, plan form or fabric. The proposals will also bring the benefit of repairs to an area of significant historic stud wall and should bring an improvement in

loft insulation with no harm to historic character or fabric. The proposals preserve the special architectural and historic interest of this listed building.

RECOMMENDATION

That listed building consent be approved subject to the conditions and reasons shown below;

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The proposals hereby permitted shall not be carried out except in complete accordance with the following approved plans and notes as detailed below;

Proposed 2nd Floor Layout dated 4.12.16, proposed Velux Roof Lights DRG 3 dated 6.12.16, Heritage/Design and Access Statement dated 19.1.17.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

03

No new plastering or plaster repairs to walls shall commence until details of their specification, fixing and finish have been submitted to and approved in writing by the local planning authority. The works shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

04

No work shall commence to the internal roof slope until details of the proposed insulation, plasterwork and treatment of roof timbers is submitted to and approved in writing by the local planning authority. The works shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

05

There shall be no fittings into the screed floor and no levelling product used on the screed floor, unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural and historic interest of the building.

06

No new windows and doors shall be installed until details of their design, specification, fixing and finish, including details of their immediate surrounds, glazing and glazing bars (where relevant), in the form of drawings and sections at a scale of 1:1 and 1:10 (as necessary) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

07

The historic attic door shall be retained and reused within this building, the details of which shall first be submitted to and approved in writing by the local planning authority. Work shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural and historic interest of the building.

08

No ventilation extract shall be installed until details of the vents are submitted to and approved in writing by the local planning authority. Work shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural and historic interest of the building

Note to Applicant

01

REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters.

In the opinion of the Local Planning Authority the proposal accords with the National Planning Policy Framework which is a material planning consideration. There are no other material considerations which indicate a decision should be made to the contrary.

02

The conditions set out above comprise part of the Listed Building Consent and must be fully complied with in each case. Failure to comply with the terms of these conditions or failure to comply with the approved plans could render your development unauthorised.

It is very important that development does not take place on site before the relevant conditions requiring the prior approval of plans or the completion of works prior to commencement, have been fully discharged by the Local Planning Authority.

If any of the conditions are unclear or you would like further information regarding our requirements, please do not hesitate to contact the case officer for your application.

03

This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress may only be carried out subject to written approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.

04

This application has been the subject of pre-application discussions and has been the subject of discussion during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

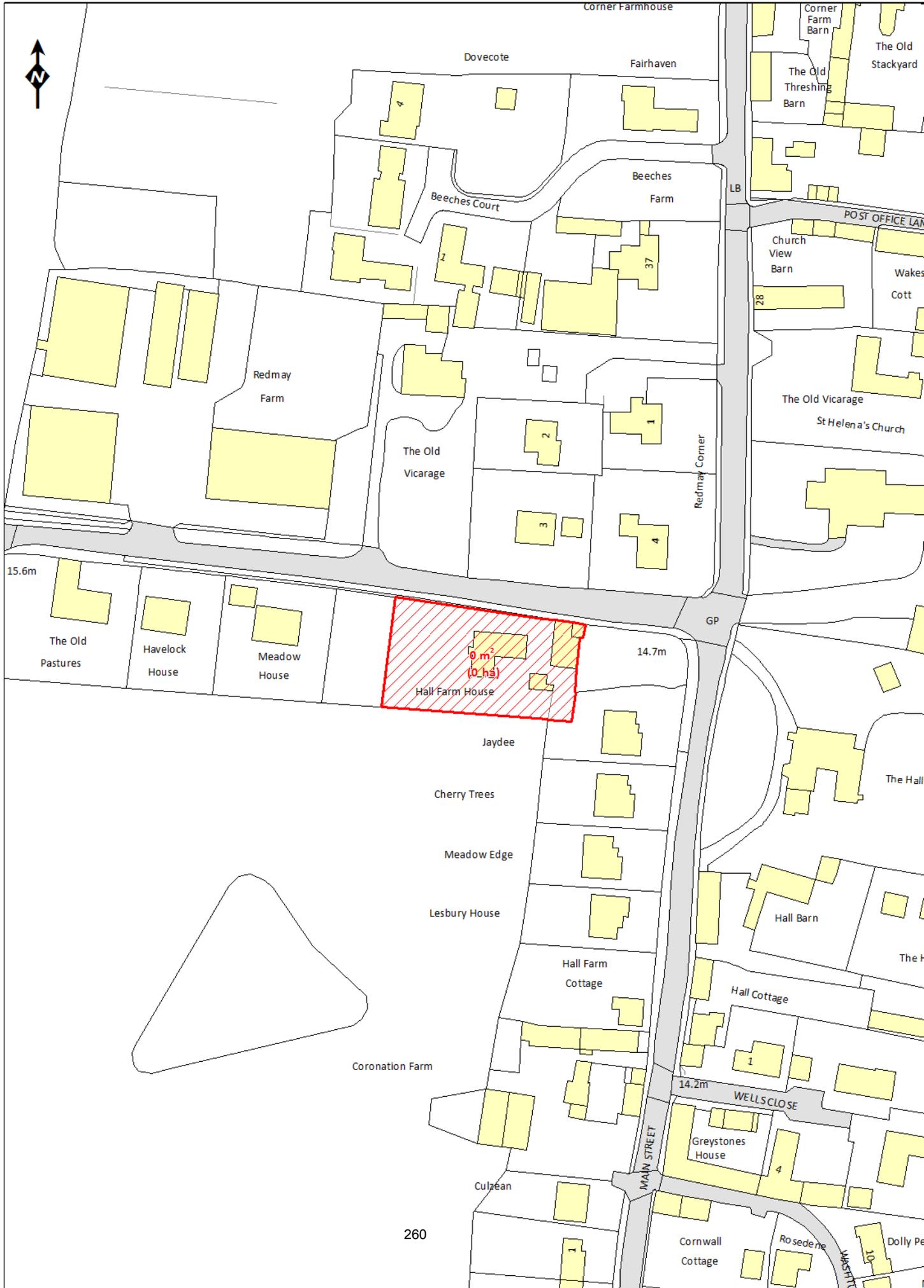
Application case file.

For further information, please contact Amy Schofield on 01636 655857.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00140/LBC



Application No:	17/00003/FUL	
Proposal:	Demolition of garages and erection of 1 No. 2 bed bungalow	
Location:	Land At, Quibell Road, Newark On Trent, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	04.01.2017	Target Date: 01.03.2017

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high in the Council’s agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council’s constitution schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

The Site

The site is situated within the built up area of Newark defined as the ‘sub-Regional Centre’ in the Settlement Hierarchy under Spatial Policy 1 of the Core Strategy. The site is a triangular corner plot at the junction of Quibell Road and Carlton Road which comprises a row of 15 garages along the east side of Quibell Road and a smaller row of four garages around the corner on Carlton Road. The land in front of all of the existing garages is open to the highway and consists of hardstanding.

The wider area is characterised by a mix of dwellings made up of predominantly two storey dwellings the closest being to the east of the four garages on Carlton Road. To the south of the site lies the Hawtonville Children’s Centre.

Relevant Planning History

None

The Proposal

The proposal seeks planning permission for the erection of a single one bedroom bungalow and two number two bedroom two storey semi-detached dwellings. The bungalow would face onto Quibell Road and benefit from a single off street car parking space and a side and rear garden. The two semidetached dwellings would face onto Carlton Road and have 2 parking spaces each and private amenity space provided in rear gardens.

The approx. measurements of the bungalow would be:

8.9m wide
7.6m deep
5.4m to ridge

The approx. measurements of the bungalow would be:

4.77m wide
8.8m deep
8.2m to ridge

Public Advertisement Procedure

Occupiers of 18 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy
Spatial Policy 2 - Spatial distribution of growth
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable transport
Core Policy 1 - Affordable Housing Provision
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 – Sustainable design
Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy
DM3 - Developer Contributions
DM5 – Design
DM7 - Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – Comments received 2nd February 2017:

To summarise the Town Council would request that the application for Grange Rd. which is due to be considered by your Planning Committee next week be deferred. This is on the basis that NASH have not provided any meaningful information on the number of garages which are currently let

and therefore little assessment can be undertaken on the possible traffic & on street parking that will arise from their demolition. Given the concerns raised by the County Council it is further suggested that the application should not be considered without a formal Traffic Impact assessment being undertaken on the proposal.

Whilst the Quibell Rd application is not due for consideration at next week's Planning Committee; the same comments as above would apply and the Town Council would ask that the application not be submitted until the same information is produced.

The matters of concern identified above have been addressed in in the appraisal below. Nevertheless details of garage lets have been sent to the Town Council. Any revised comments will be reported to Members as a late item.

NCC Highways Authority – Comments received on the 18th January 2017:

“The application site is currently a garage site for nearby properties with a row of garages along Quibell Road, resulting in a dropped kerb crossing arrangement along the site frontage. Three parking spaces are to be provided with access from Quibell Road, one of which (for plot 001) will require a vehicular crossing to be constructed. A street lighting column will require relocating as part of this application. This will be at the applicant's expense. The remainder will require reinstating back to full kerb as part of this application. Two parking spaces are to be provided with access from Carlton Road, where a further dropped kerb crossing arrangement currently exists to serve four garages. The remaining dropped kerbs are required to be reinstated to full kerbs.

There appears to be adequate parking provision, therefore, there are no highway objections subject to the following:

1. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing onto Quibell Road is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the existing vehicular crossings on Quibell Road and Carlton Road that have been made redundant as a consequence of this consent are permanently closed and the access crossings reinstated as footway in accordance with details to be first submitted to, and approved in writing, by the Local Planning Authority.

Reason: In the interests of highway safety.”

Notes to applicant

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

The access reinstatement works referred to in Condition 3 above involves work on the public highway and as such requires the consent of the County Council.

A street lighting column is required to be relocated as part of this application. This will be carried out at the applicant's expense."

N&SDC Environmental Heath Contaminated Land – No comments received at the time of writing this report

Representations

Two comments objecting to the proposal have been received which can be summarised as follows:

- Devalue surrounding properties
- Overlooking/privacy impacts will be created
- Loss of garage space
- Opposed to a loss of existing rear garden boundaries adjacent to the site
- Parking and road safety in the area will be negatively impacted as use of the garages will be lost compounded by the use of the Children's centre
- Concerned about the impact on hedgehogs currently present in gardens

Comments of the Business Manager

Principle of development

The site is located within the built up area of Newark which is defined as 'sub regional Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the district.

I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area, residential amenity of neighbouring properties and highway safety will all need to be taken into consideration and are discussed below.

Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context

complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The application site falls within an area that is characterised by predominantly two storey dwellings. The proposed bungalow is adjoined to the south by a detached brick built flat roof building beyond which is a school. To the south east of the proposed two storey dwellings the site is adjoined by a semi-detached two storey dwelling. There are two storey dwellings on the opposite side of Quibell Road.

I am satisfied that the scale and design of the proposed dwellings is acceptable and that in terms of appearance, the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting.

The layout of the two houses has been designed such that the proposed dwellings are set back from the adjacent highway which will serve the properties (Carlton Road), with reasonably sized landscaped areas to the front and 2 off street car parking spaces (per dwelling). Private amenity space is afforded to the proposed dwellings in the form of rear gardens.

The proposed bungalow will be built close to the highway edge on the west side of Quibell Road. Although bungalows and this proximity to the highway edge is not typical of the area I do not consider this element of the proposal to be so detrimental to the character of the area due to the modest scale typical of a bungalow and the adequate private amenity space afforded to this dwelling.

On this basis it is considered that proposed development would not result in an undue impact upon the visual character or visual amenity of the immediate street-scene or the wider area.

Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

I note the comments received during consultation regarding privacy impacts. The dwelling to the east of the proposed two houses would be close to the east side boundary of the right hand house and as such there is the potential for amenity impacts. I note that there is a single first floor window located to the east side elevation of the right hand dwelling proposed but this would serve a bathroom and the outlook from this window would be to the front garden of the neighbouring dwelling and towards the street rather than the dwelling itself. It is considered to be reasonable, should members be minded to grant planning permission, to attach a condition requiring this window to be obscure glazed and non-opening below 1.7m from internal floor level to protect the amenity of future occupiers in any case. This condition would also apply to the left hand dwelling forming this pair of proposed semi-detached properties.

Given the siting of the proposed semi-detached properties together with the relationship between and separation distances from neighbouring dwellings it is considered that the proposal would not result in any undue impact in terms of overbearing, overshadowing or overlooking impacts. The

proposed rear gardens and conditioned boundary treatment will also protect neighbouring amenity further.

Similarly given the single storey nature of the proposed bungalow and the relationship and distances between this and adjoining dwellings, it is not considered that this would result in any undue impact on amenity.

The proposed dwellings have been afforded private amenity space to the rear and side which I consider to be commensurate with the size of the dwellings proposed.

Although no detailed information regarding boundary treatment has been submitted as part of the application I consider that it would be reasonable to impose a condition requiring such information as part of any approval. To maintain privacy and security boundary treatments to the sides and rear of dwellings and in-between dwellings is usually approx. 2m in height. Furthermore no details have been received regarding the potential interim boundary treatment arrangements following the removal of the garages and the private gardens that would be revealed by this activity. Again I consider that it would be reasonable to impose a condition requiring a construction methodology to include details of demolition and interim boundary treatment.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance. The proposal would also provide an appropriate standard of amenity for future occupants of the property. It is therefore considered that the proposal will accord with Policy DM5 of the DPD.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

I note the comments received in respect of the loss of existing off street parking currently provided by the garages and the on-street parking problems already experienced in the area. Parking on both Quibell Road and Carlton Road is not restricted by any Traffic Regulation Order and there is already no control over the number of existing residents, their visitors or other members of the public (including visitors to the Children centre) who are able to park on street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 19 garages. However, it must first be noted that the two storey dwellings will provide for two off street parking spaces and the bungalow will provide for one, this is considered acceptable provision commensurate with the size of the dwellings proposed. Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents on Quibell Road or Carlton Road. Information on occupation has been received and although I note occupancy is high, given the above context, it is considered likely that the loss of these garages would not have

such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

Taking these issues in to consideration I consider that the loss of the garages as parking spaces is justified and that the proposed scheme would not result in significant highway issues to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

Other Matters

I note the comments received regarding the impact that the development will have on surrounding properties prices. Land or property values are not considered to be significant material planning considerations and as such I can afford this issue little weight in making a decision.

I also note the comments received regarding hedgehogs being present in neighbouring gardens but given that hedgehogs are not protected species I cannot afford this issues significant weight in making a decision.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity and recommend that planning permission be granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans

- Site location Plan - 40860-ID039-001A
- Proposed Site Layout - 40860-ID039-003A
- Proposed Plan & Layout Type D - 40860-ID039-004
- Proposed Plan & Layout T.A1 – 40860/IDO39/0005

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Reason: In the interest of protecting the character and appearance of the area and neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

08

No development shall commence until a schedule of the demolition works to be carried out is submitted and agreed by the authority. This schedule shall include the details of temporary site enclosure following the demolition works which shall be retained until construction works have been completed and boundary treatments approved in accordance with condition 4 of this permission have been erected in accordance with the approved details.

Reason: In the interests of neighbouring amenity and site safety.

9

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

10

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing onto Quibell Road is available for use and constructed in accordance with the

Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

11

No part of the development hereby permitted shall be brought into use until the existing vehicular crossings on Quibell Road and Carlton Road that have been made redundant as a consequence of this consent are permanently closed and the access crossings reinstated as footway in accordance with details to be first submitted to, and approved in writing, by the Local Planning Authority.

Reason: In the interests of highway safety."

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which **must be made to the Council prior to the commencement of development** on CIL 4 form which is also available on the Council's website.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

04

The access reinstatement works referred to in Condition 12 above involves work on the public highway and as such requires the consent of the County Council.

05

A street lighting column is required to be relocated as part of this application. This will be carried out at the applicant's expense.

BACKGROUND PAPERS

Application case file.

For further information, please contact Sukh Chohan on Ext 5828.

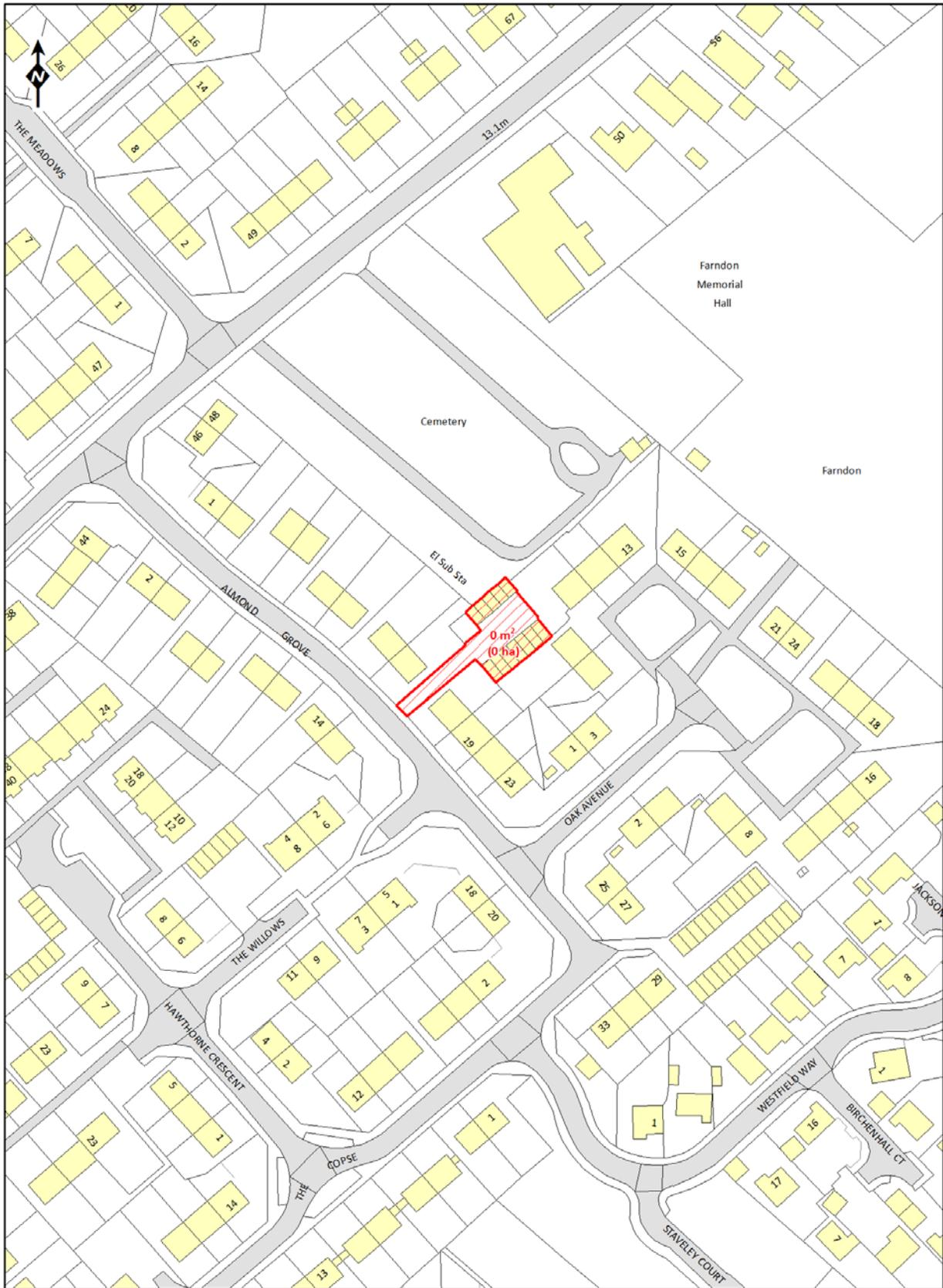
All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00003/FUL



Committee Plan - 16/02168/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	17/00217/FUL	
Proposal:	Demolition of 20 garages and the development of 2 x 3 bed residential dwellings	
Location:	Land At Gibson Crescent Balderton, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	02.02.2017	Target Date: 30.03.2017

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high in the Council’s agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council’s constitution, schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

The Site

The site lies within the defined urban area of Newark and Balderton, a ‘Service Centre’ as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle. The site is situated close to the corner of Gibson Crescent & Bakewell Close and is formed of a court of 20 single bay timber doored garages with mono pitched sheet metal covered roofs. Boundaries to the site are composed of brick walling of approximately 2m in height.

The area is characterised by a mix of dwellings with two storey dwellings adjacent to the west, single storey properties to the east & south and a three storey block of flats further to the south west. Properties in the vicinity generally have green frontages, with on street parking, albeit a number of properties on Gibson Crescent have vehicles parked on the frontage.

Relevant Planning History

No relevant planning history

The Proposal

The proposal seeks planning permission for the erection of pair of semi-detached two storey 3 bed properties detailed on the application form to be social rented dwellings. For clarity the application form does detail 3 units; however it is clear from the block plan that only 2 are

proposed. The dwellings would be set back from the frontage with parking to the front and garden areas to the rear. The proposed dwellings would be located centrally within the plot orientated north to south. Bin storage would be provided to the sides of the properties.

The approx. measurements of each dwelling are:

8.88m deep
5.73m wide
4.73m to the eaves
8.23m to the ridge

Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy
Spatial Policy 2 - Spatial distribution of growth
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable transport
Core Policy 1 - Affordable Housing Provision
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 – Sustainable design
Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy
DM3 - Developer Contributions
DM5 – Design
DM7 - Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Balderton Parish Council – Objections are raised. It is considered that the proposal would be excessive use of land for social housing needs and would be better used to create smaller dwellings which would be better in keeping with Gibson Crescent.

NCC Highways Authority – No objection

There are no highway objections to this proposal, as it will have very little impact on the existing highway network. A street lighting column will require relocation as part of this application. This will be at the applicant's expense.

From the information submitted, the Highway Authority would not wish to raise objection to the proposed development subject to suggested conditions in relation to the closure of the existing garage site access and the reinstatement of the access as footway, the provision of dropped vehicular footway crossings and drainage. The applicant should also be advised to contact the Highway Authority with regards to undertaking works in the public highway.

NSDC Access Officer – the applicants attention is drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible and adaptable dwellings within the development.

Representations

None received

Comments of the Business Manager

Principle of development

The site is located within the built up area of Balderton which is defined as forming part of the 'sub regional Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the district.

I am satisfied that the site is located within the main built up area of a sustainable settlement and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area, residential amenity of neighbouring properties and highway safety will all need to be taken into consideration and are discussed below.

Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The application site falls within an area that is characterised by a mix of dwelling types with two storey dwellings adjacent to the west, single storey bungalows to the east and a mix of single, two and three storey flats to the south west.

Notwithstanding the comments received from the Parish council I am satisfied that the design and layout of the proposed dwellings is acceptable and that in terms of appearance the proposed

development would sit well within the context of the adjoining dwellings particularly in terms of scale in relation to the two storey dwellings to the east and the wider residential setting.

The layout of the development has been designed such that the proposed dwellings are set back from the adjacent highway following the building line established by the bungalows to the east. Small landscaped areas are provided to the front alongside sufficient space for 2 vehicle parking spaces per dwelling. Private amenity space is afforded for the proposed dwellings in the form of rear gardens which are relatively expansive.

On this basis it is considered that proposed development would not result in an undue impact upon the visual character or visual amenity of the immediate street-scene or the wider area.

Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The proposed properties will be two storeys in height with a dual pitched roof. No detailed information regarding boundary treatments has been submitted as part of the application and as such I consider that it would be reasonable to impose a condition requiring such information as part of any approval. To maintain privacy and security, boundary treatment to the sides and rear of dwellings and in-between dwellings is usually approx. 2m in height. This is typical of the surrounding area. The existing site is bound by the garages themselves on east, west and northern boundaries.

The properties within closest proximity to the proposed dwellings would be 15 Bakewell Close to the west and 20 Gibson Crescent to the east. In relation to 15 Bakewell Close; the property is two storey in height with the rear garden area for the dwelling abutting the existing rear elevation of the garages. The proposed westernmost dwelling would be set in from the boundary by 4m which creates a degree of separation from the rear of 15 Bakewell to the side elevation of the proposed dwelling of 14m which is considered to be acceptable to ensure it does not result in overbearing or loss of light. In relation to overlooking; only an obscure glazed window is proposed at first floor level in the side elevation and this would serve a landing. A condition would be added to any consent to ensure this remains obscure for the lifetime of the development. Windows are proposed on the front and rear elevations of the proposed dwellings at first floor, however given the separation to other dwellings it is not considered that these openings would result in any loss of neighbouring amenity through overlooking.

In relation to 20 Gibson Crescent; the side elevation of the easternmost dwelling would approximately align with that of the neighbouring property a single storey bungalow. At present the rear wall of the garage block forms the western boundary for No. 20. The proposed dwelling would be set in from the boundary by approximately 2m increasing the degree of separation between the properties to approximately 5.5m. A window is located within the side elevation of No. 20 which serves a bedroom. The proposal would introduce a two storey dwelling within close proximity to the side elevation of No. 20 but increase the degree of separation to 5.5m. It is considered that whilst the window in the side elevation to No. 20 is considered to be a habitable room, weight is given to the increased separation, the current relatively poor outlook from the

window and that as a bedroom it is unlikely that significant periods of time are spent in the room other than at night.

As such it is not considered that the proposed dwellings would have a detrimental impact and I am therefore satisfied that the proposal will have an acceptable relationship with neighbouring dwellings.

The proposed dwellings have been afforded extensive private amenity space to the rear (north) of the proposed plots which I consider to be commensurate with the scale of the dwellings proposed.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance. The proposal would also provide an appropriate standard of amenity for future occupants of the property. It is therefore considered that the proposal will accord with Policy DM5 of the DPD.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

I note that no objection has been raised by NCC Highways Authority in relation to the proposed development subject to the addition of a number condition to any future permission.

In relation to existing parking arrangements on Gibson Crescent; parking is not restricted by any Traffic Regulation Order and there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on the street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 20 garages. However, it must first be noted that the proposed dwellings will provide for two off street parking spaces per dwelling. Such a level of parking is considered to be acceptable and commensurate with the size of the dwellings proposed. Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents in the vicinity. It is therefore considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

Taking these issues in to consideration I consider that the loss of the garages as parking spaces is justified and that the proposed scheme would not unduly result in significant highway issues to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

Other Matters

It is not considered that the proposed demolition would likely result in any land contamination issues. It is understood from the submitted desk top study that prior to the construction of the garages in the 1970's the land was undeveloped. The current structures constructed of brick, metal sheeting and timber are unlikely to result in any concerns in relation to contamination of neither the site nor the wider area.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity and recommend that planning permission be granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans

- Site location plan Ref: 40860/ID069/001A
- Proposed site layout opt 5 Ref: 40860/ID069/008A
- Proposed plans & elevations type E Ref: 40860/ID069/009A

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials

- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Reason: In the interest of protecting the character and appearance of the area and neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

08

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with plan 40860/ID069/008A. The parking areas shall not be used for any purpose other than parking of vehicles.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the existing garage site access that has been made redundant as a consequence of this consent and as shown on plan (rg+p plan -48060/ID069/008A) is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety.

10

No development shall be occupied on any part of the application site until both dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority's specification on Gibson Crescent as shown for indicative purposes only on the attached plan (rg+p plan -48060/ID069/008A) to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

11

No part of the development hereby permitted shall be brought into use until the parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.

12

No development shall commence until a schedule of the demolition works to be carried out is submitted and agreed by the authority. This schedule shall include the details of temporary site enclosure following the demolition works which shall be retained until construction works have

been completed and boundary treatments approved in accordance with condition 4 of this permission have been erected in accordance with the approved details.

Reason: In the interests of neighbouring amenity and site safety

13

The first floor window openings in the eastern & western elevations shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which they installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which **must be made to the Council prior to the commencement of development** on CIL 4 form which is also available on the Councils website.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

In order to carry out the off-site works required the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works the applicant will need to enter into an agreement under Section 278 of the Act. Please contact David Albans (0115) 804 0015 for details. The relocation of the street lighting column will be at the expense of the applicant. Tel: 0300 500 8080 for further details.

BACKGROUND PAPERS

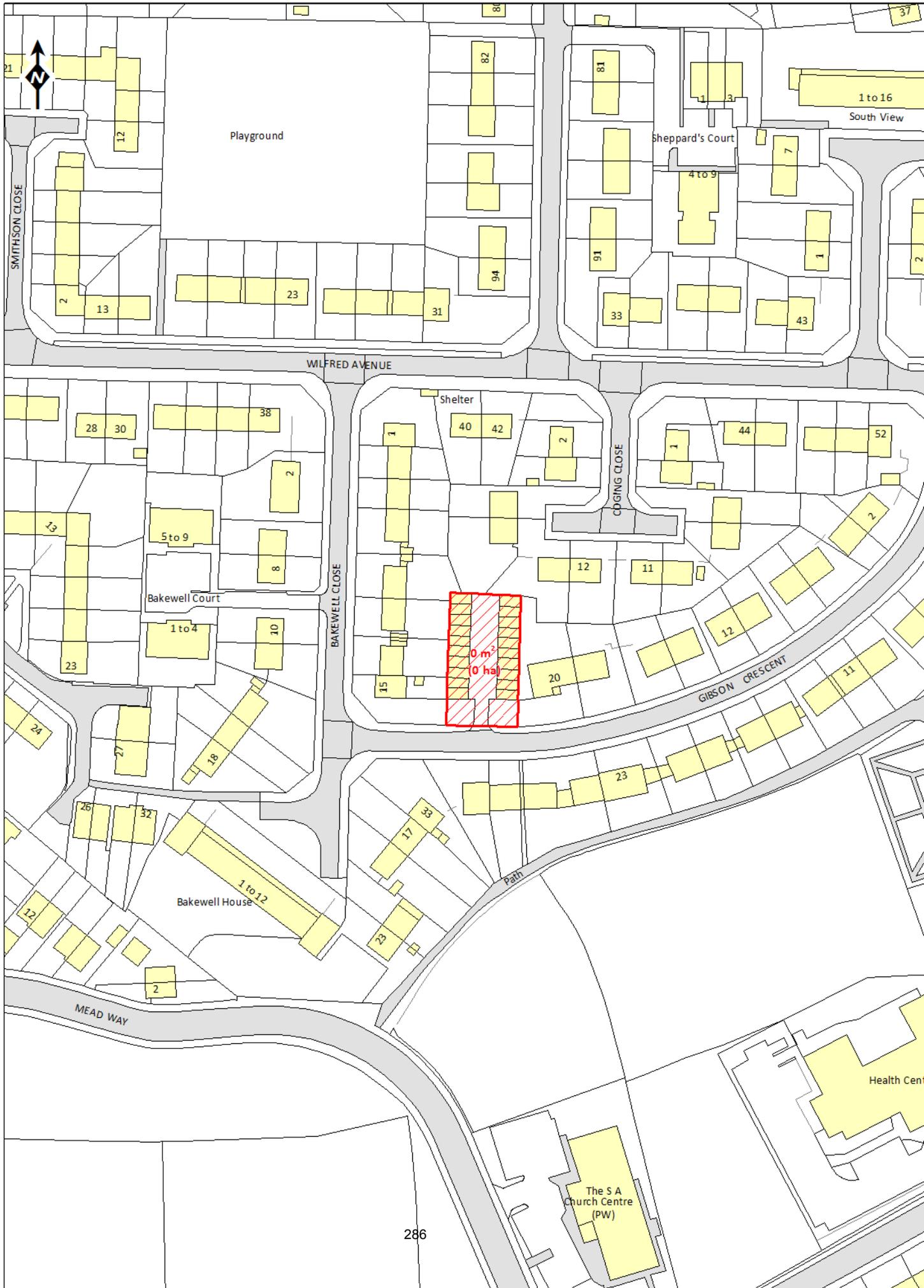
Application case file.

For further information, please contact James Mountain on Ext 5841.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00217/FUL



ANNUAL REPORT DETAILING THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

1.0 Purpose of Report

1.1 To provide the Planning Committee with a list of the exempt business considered by the Committee for the period 5 April 2016 to date. Members have the opportunity to review the exempt reports and request further information. The rule is defined in paragraph 18 of the Constitution entitled ‘Right of Members to Request a Review of Exempt Information’.

2.0 Background Information

2.1 The Councillors’ Commission at its meeting held on 25 September 2014 proposed a number of changes to the Constitution, one of which being that ‘the Committees undertake an annual review of their exempt items at their last meeting prior to the Annual Meeting in May’, this was ratified by the Council on 14 October 2014.

2.2 Members will be aware that, they have the opportunity to request under Rule 18 of the Access to Information Procedure Rules, that exempt information should be released into the public domain if there are substantive reasons to do so.

3.0 Proposals

3.1 The following table provides the exempt business considered by the Planning Committee for the period 5 April 2016 to date:

Date of Meeting	Agenda Item	Exempt Paragraph
5 April 2016	Highfields Appeal Information	3 & 4
4 October 2016	The Plough, Main Street, Coddington	3
7 March 2017	Forge House, Westgate, Southwell	1

4.0 RECOMMENDATION

That the report be noted.

Reason for Recommendation

To advise Members of the exempt business considered by the Planning Committee for the period 5 April 2016 to date.

Background Papers - Nil

For further information please contact Nigel Hill – Business Manager Democratic Services on Ext: 5243.

Kirsty Cole
Deputy Chief Executive